

S266001

No. 19-55802

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

WALLEN LAWSON,

Plaintiff-Appellant,

v.

PPG ARCHITECTURAL FINISHES, INC.

Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California
No. 8:18-cv-00705-AG-JPR
Hon. Andrew J. Guilford

**APPELLANT'S EXCERPTS OF RECORD
VOLUME III**

Patrick Leo McGuigan
plmcguigan@hkm.com
HKM Employment Attorneys LLP
453 S. Spring Street, Suite 1008
Los Angeles, CA 90013
Tel: (213) 259-9950

Bruce C. Fox
bruce.fox@obermayer.com
Andrew J. Horowitz
andrew.horowitz@obermayer.com
Obermayer Rebmann Maxwell &
Hippel LLP
BNY Mellon Center, Suite 5240
500 Grant Street
Pittsburgh, PA 15219
Tel: (412) 566-1500

*Attorneys for Appellant
Wallen Lawson*

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1 KARIN M. COGBILL, Bar No. 244606
kcogbill@littler.com
2 MICHAEL W. M. MANOUKIAN, Bar No. 308121
mmanoukian@littler.com
3 LITTLER MENDELSON, P.C.
50 W. San Fernando Street, 7th Floor
4 San Jose, CA 95113
Telephone: 408.998.4150
5 Facsimile: 408.288.5686

6 THEODORE A. SCHROEDER, PA Bar No. 80559
(*pro hac vice*)
7 tschroeder@littler.com
LITTLER MENDELSON, P.C.
8 625 Liberty Avenue, 26th Floor
Pittsburgh, PA 15222
9 Telephone: 412.201.7600
Fax No.: 412.456.2377

10 RACHAEL LAVI, Bar No. 294443
11 rlavi@littler.com
LITTLER MENDELSON, P.C.
12 2049 Century Park East, 5th Floor
Los Angeles, CA 90067.3107
13 Telephone: 310.553.0308
Facsimile: 310.553.5583

14 Attorneys for Defendant
15 PPG ARCHITECTURAL FINISHES, INC.

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 WALLEN LAWSON,

19 Plaintiff,

20 v.

21 PPG ARCHITECTURAL FINISHES,
22 INC.,

23 Defendant.

Case No. 8:18-CV-00705AG-JPR

**DECLARATION OF KARIN M.
COGBILL IN SUPPORT OF
DEFENDANT PPG
ARCHITECTURAL FINISHES,
INC.'S MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Judge: Hon. Andrew J. Guilford
Hearing Date: June 10, 2019
Time: 10:00 a.m.
Courtroom: 10D

Pretrial Conference: July 8, 2019
Trial Date: July 23, 2019

1 I, Karin M. Cogbill, hereby declare and state as follows:

2 1. I have personal knowledge of the facts set forth below. If called
3 upon as a witness, I could testify competently thereto.

4 2. I am an attorney at law duly admitted to practice in the State of
5 California and I am a Shareholder at the law firm of Littler Mendelson, P.C., attorneys
6 for Defendant PPG ARCHITECTURAL FINISHES, INC. (“PPG” or “Defendant”) in
7 the above-captioned matter.

8 3. I have personal knowledge of the facts set forth herein and, if
9 called as a witness, could competently testify thereto.

10 4. PPG’s Memorandum of Points and Authorities In Support of
11 Motion for Summary Judgment, or In the Alternative, Partial Summary Judgment
12 (“Motion for Summary Judgment”), makes reference to portions of certain deposition
13 transcripts and other documents, copies of which are attached hereto as set forth
14 below.

15 5. Attached hereto as **Exhibit A** is a true and correct copy of the
16 relevant pages from the deposition transcript of Plaintiff Wallen Lawson dated
17 November 15, 2018. A true and correct copy of the relevant exhibits to this transcript
18 are also attached following the testimony.

19 6. Attached hereto as **Exhibit B** is a true and correct copy of the
20 relevant pages from the deposition transcript of John “Ian” Dalton dated February 19,
21 2019. A true and correct copy of any relevant exhibits used during Mr. Dalton’s
22 deposition are included within Plaintiff’s Exhibits, which as noted below, is attached
23 hereto as Exhibit G.

24 7. Attached hereto as **Exhibit C** is a true and correct copy of the
25 relevant pages from the deposition transcript of David Duffy dated February 21, 2019.
26 A true and correct copy of any relevant exhibits used during Mr. Duffy’s deposition
27 are included within Plaintiff’s Exhibits, which as noted below, is attached hereto as
28 Exhibit G.

S266001

EXHIBIT A

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WALLEN LAWSON,) CASE NO.
) 8:18-CV-00705-AG-JPR
Plaintiff,)
)
vs.)
)
PPG ARCHITECTURAL FINISHES,)
INC.,)
)
Defendant.)
_____)

VIDEO RECORDED DEPOSITION OF WALLEN LAWSON
Los Angeles, California
Thursday, November 15, 2018

Reported By:
Teri Lingenfelter
CSR No. 5369
Pages 1-268

1 reviewed? 09:34:02

2 A I reviewed a document -- an e-mail -- from when I
3 first started with PPG with my counsel.

4 Q And the e-mail so we're clear is not an e-mail
5 between you and your counsel?

6 A No. No.

7 Q Okay.

8 A It was a document about when I was hired. An
9 e-mail that I requested from my boss -- my regional
10 manager -- about interviewing one of the territory
11 managers to discuss with him -- before my start date I had
12 a couple questions and so he set up a meeting so I could
13 discuss that with one of the territory managers.

14 Q Do you recall any other documents that you looked
15 at during the meeting? 09:35:02

16 A No. No.

17 Q Just so the record is clear you were employed as
18 a territory manager. Correct?

19 A Yes.

20 Q And as a territory manager you had responsibility
21 for servicing Lowe's stores. Correct?

22 A Yes.

23 Q In your own words what are the responsibilities
24 of a territory manager?

25 A Well it's to -- or you're an ambassador for the

1 PPG company and my responsibilities were to service the 09:35:37
2 account, train the employees, make sure that we documented
3 the training, to downstock product whenever we could
4 during our call, talk to the managers what our mission was
5 when we arrived at Lowe's, what we planned on
6 accomplishing that day with the manager and then when we
7 left we were supposed to check out with the manager and
8 let him know if we were able to complete our task while we
9 were there or if we'd follow up when we came back.

10 And then I was responsible for Pro Service events
11 that were scheduled and hosting training events for new
12 Red Vest Ready training classes that we conducted which
13 were quarterly.

14 PPG would host those trainings for new people
15 so -- 09:36:52

16 Q When you talk about hosting a training and
17 earlier in your answer you talked about training
18 employees -- that refers to the Lowe's employees.

19 Correct?

20 A Yes.

21 Q And when you talked about how when you would
22 arrive at the store you would talk with the manager at the
23 beginning and then you would talk with them again when you
24 checked out -- you're speaking of the Lowe's manager.

25 Correct?

1 A Yes. Yes. Store manager or the assistant store 09:37:03
2 manager and sometimes the Pro Service department manager
3 too.

4 Q And what was the territory that you covered while
5 you were employed with PPG?

6 A Primarily the geographic territory was
7 Los Angeles -- parts of Los Angeles, parts of
8 Orange County primarily.

9 I had three stores -- three Lowe's stores in
10 Los Angeles County. No. More than that.

11 Six in Los Angeles County and then about five or
12 six in Orange County that I was responsible for.

13 Q And did the stores that you were responsible for
14 change during your employment?

15 A Yes. 09:37:57

16 Q And that would be when there was a sort of
17 territory realignment?

18 A Yeah. During the short time I was with PPG we
19 had two territory realignments.

20 Q And one of the things you would do as a territory
21 manager would be a market walk.

22 A Yes.

23 Q Let's talk about the market walk.

24 What did you understand the purpose of a market
25 walk to be?

1 A It's kind of an audit to -- in different areas of 09:38:24
2 how your relationships were with the Lowe's employees,
3 review product placement throughout the store. If it was
4 located in proper places that was designated by Lowe's.

5 Lowe's would give us approval to put our products
6 in certain aisles and they had to be maintained and be
7 responsible for making sure that any place you had product
8 it would be full. It would be maintained.

9 And then obviously training and helping customers
10 from time to time too in relationship mainly with the
11 Lowe's people throughout the market walk.

12 Q And the market walk is something that you did
13 with a regional manager. Correct?

14 A Yes. Yes.

15 Q And generally they would occur quarterly? 09:39:38

16 A I'm not sure. I'm not sure if they were supposed
17 to be quarterly or once a year or I'm not sure what the
18 schedule was for the regional managers as far as what
19 their goal was when it comes to market walks.

20 Q Now what would you do to prepare for the market
21 walk in advance?

22 And to be more specific were there reports or
23 documents you had to complete in preparation for the
24 market walk?

25 A There was supposed to be a pre-check market walk

1 review but I don't remember seeing one of those until 09:40:12
2 after I was with the company for a year or so. I don't
3 remember seeing one but I would normally ask the territory
4 manager to team up with me to kind of go over the market
5 walk or help me out a little bit for the market walk so --

6 Q Was there a particular territory manager that you
7 would team up with?

8 A Typically I would team up with Michael Cordova
9 and once in a while Laura Sanchez would help me.

10 Q What was the territory that Mr. Cordova covered?

11 A L.A. Mainly L.A. and also Riverside County. I
12 think he had some Lowe's in Riverside County too.

13 Q And what about Ms. Sanchez? What was her
14 territory?

15 A San Diego area. Oceanside. 09:41:11

16 Q So did there come a point where it sounds like
17 you received sort of this pre-check review document. Is
18 that correct?

19 A Yes.

20 Q And is that when you were reporting to Mr. Moore
21 or prior to that?

22 A When I was reporting to Mr. Moore.

23 Q And what do you recall the pre-check review
24 document containing?

25 A It was just basic -- you know, make sure the

1 color system is properly maintained, your training roster 09:41:50
2 was up to date, review any promotions, objectives as far
3 as the promotions were concerned on the products,
4 requirements on, you know, promotions by Lowe's. Having
5 them in the right place.

6 Q Was it essentially a checklist of sort of the
7 things that would be reviewed in the upcoming market walk?

8 A Yes. It was like a laundry list of things to do.
9 You know, things we want to check on and make sure --

10 Q Were you finished?

11 A Yes.

12 Q So a checklist of things you want to do so that
13 it would help you be successful in your market walk?

14 A Yes.

15 Q Now would you have a conversation with your 09:42:48
16 regional manager in advance of the physical market walk
17 about the market walk before it took place?

18 A Yes. Yes. I'm trying to think.

19 Yeah. Typically Mr. Moore would send me an
20 e-mail or something and say he wanted to market walk
21 certain stores. So, you know, it says what the schedule
22 would be to do that.

23 Q Now let's talk about the market walk itself.

24 So Mr. Moore or your prior regional manager would
25 be present with you during the walk. Correct?

1 A Yes. 09:43:24

2 Q And you two would then do what?

3 You'd walk around the store and what are the
4 things that you would be looking for?

5 A Just making sure all the shelves were faced out
6 properly and the downstock was in place and product
7 placement in designated areas were put in the right place
8 and maintained.

9 We would visit with some of the department
10 managers and we might even do a demo. We might even
11 demonstrate a product during the market walk whether it
12 was in the Pro Service department or in the existing paint
13 department area.

14 Where the corral is at Lowe's we would -- a lot
15 of times we'd do demonstrations or we'd do a little 09:43:52
16 presentation with the store manager and go over our
17 monthly action plan. Review the monthly action plan and
18 review the product sales results for the month or the
19 quarter or the year and then try to develop some
20 strategies to help sell more product in certain cases but
21 discussing that with the store manager. You know, what we
22 could do to sell more product or make some brochures or
23 things like that.

24 Q Approximately how long did a market walk take?

25 And I'll be more specific.

1 For a given store. Right? Because I understand 09:45:14
2 you may have visited more than one store in a market walk.

3 A Right.

4 Q But about how much time are you spending in the
5 store during the actual market walk?

6 A It varied but I would say typically within --
7 probably two stores you do in a day. Sometimes you
8 could -- I don't remember ever doing more than two in one
9 day. And then sometimes we only did one but normally it
10 was three to four stores. Pardon me.

11 Q So normally three to four stores a day?

12 A Total. No. No. No.

13 Q Okay.

14 A Total. Total. Total. Like maybe one store one
15 day, two stores the next day and then maybe even a fourth 09:46:06
16 store in some cases but typically it was like three to
17 four stores we would market walk within a two or three day
18 period.

19 Q That was going to be my follow-up question which
20 is it sounds like the market walk lasted multiple days.

21 A Yes. Yes.

22 Q Now during the market walk would your regional
23 manager provide you with feedback as you're walking the
24 store?

25 For example, if, you know, product was out of

1 place would he tell you? "There's an issue here with the 09:46:42
2 product. This needs to be fixed"?

3 A Yes.

4 Q Would you also receive positive feedback? Right?

5 "It looks like you've been to this store 11 times or
6 you've worked 11 Saturdays. You only needed to work 10.
7 That's a positive."

8 A Yes.

9 Q Now with Mr. Moore specifically when you did
10 market walks with him he was providing feedback throughout
11 the walk. Correct?

12 A Sometimes. Sometimes he would, sometimes he
13 wouldn't say very much or he'd be on the phone or
14 distracted and then we had to kind of start up again after
15 he got done taking care of some things he had to take care 09:47:33
16 of or he'd have to leave before -- leave early and then
17 come back.

18 And so he would give me feedback but there would
19 be interruptions in the market walk, for example, so --

20 Q So there might be sort of let's say a pause or a
21 break in the market walk so that Mr. Moore could handle
22 something else --

23 A Yes.

24 Q -- but then he would return back and complete the
25 market walk with you?

1 practice market walk when I first started to just kind of 09:51:59
2 show me what the market walk was like and then I had an
3 actual market walk with Mr. Stanton. One
4 official-official market walk with Mr. Stanton.

5 Q So that the record's clear let's get some dates
6 in place.

7 When were you first hired by PPG?

8 A I started April 15th of 2015 I think it was.

9 Q And then your termination was September 6th of
10 2017. Correct?

11 A Yes. Yeah.

12 Q And when you were first hired were you reporting
13 to Mr. Stanton at that time?

14 A Yes.

15 Q And how long did you report to Mr. Stanton? 09:52:42

16 A A year and a half.

17 Q So if you started in April of 2015 were you still
18 reporting to Mr. Stanton in November of 2016?

19 A Yes.

20 Q Do you recall --

21 A I'm not sure actually. I'm not sure when his
22 last day was with PPG but it wasn't -- it was shortly
23 after my market walk with Mr. Stanton that -- I don't
24 remember the time when Clarence took over the region
25 because Clarence didn't take over -- Mr. Moore didn't take

1 over the region right away. It was delayed for a few 09:53:15
2 months so I'm not sure when -- I'm not actually sure on
3 the exact date.

4 I can't tell you but I'm guessing -- there you
5 go -- I'm guessing a year and a half that I worked for --
6 reported to Paul --

7 Q Okay.

8 A -- but I could be off by a couple months. I
9 don't know.

10 But I did one official market walk with
11 Paul Stanton so I'm not -- well anyway so --

12 Q So in the approximate year and a half or so that
13 you reported to Mr. Stanton or that Mr. Stanton was your
14 regional manager you recall doing one practice market walk
15 and one official market walk? 09:53:52

16 A Yes.

17 Q Did you receive a report of your market walk
18 after the practice one?

19 A No. What he did is he used somebody else's as a
20 kind of a guide -- an actual market walk from another
21 territory manager that he kind of went over with me and
22 then he took me around the store.

23 I don't know if it was a mockup or if it was an
24 actual market walk but that's what he wanted me to be --
25 he wanted me to be aware of the market walk program -- how

1 don't remember -- what do you mean other context? 10:12:14

2 Q Absolutely. So what I'm trying to understand is
3 like how did that comment from Mr. Moore come about?

4 Were you talking about your numbers and then
5 Mr. Moore said "You know, just so you know, Mr. Lawson, if
6 you don't meet the goal for 12 months you'll be put on a
7 PIP" or was it a situation where Mr. Moore was saying "You
8 know, Mr. Lawson, you've been placed on a PIP. Here's one
9 of the reasons you've been placed on a PIP is because your
10 sales numbers didn't meet the goal for 12 months"?

11 Just anything that you remember of that
12 conversation.

13 A I remember -- okay. Good. Okay. I understand.

14 He did a market walk -- and I kind of recall
15 this. He did a market walk and I was four points -- I 10:12:51
16 think it was four points -- yeah. Yeah.

17 He gave me a market walk. I got a 66 on a market
18 walk. I was four points short of 70 which is a successful
19 market walk and Clarence has the discretion as a regional
20 manager if he has my back to -- there's a plus five
21 points. Discretion of the manager he can give you five
22 points.

23 At the end of the market walk there's a little
24 section there. He gave me zero and I thought "Well if you
25 love having me on your team and I get a 66 and 70 is

1 passing" -- 10:12:54

2 And then he gave me a zero on a -- he gave me a
3 zero on a product placement. He gave me a zero on a
4 product placement in the market walk and I don't have it
5 so -- I don't know if you have it but I would like to
6 have it because he gave me a zero on placements of
7 Liquid Nails.

8 You're supposed to have like four or six in the
9 store in designated areas and I had eight but I was
10 missing one in a certain area. I was missing one but I
11 had eight placements which is more than is required and
12 more importantly, Karin, it was approved by the manager.
13 I didn't place them without getting authorization from
14 Lowe's because you cannot -- one of the things -- I never
15 had a complaint. I never had one complaint from Lowe's in 10:12:55
16 my entire time working for PPG from a Lowe's
17 associate/customer ever. I never had a complaint.

18 And a lot of the territory managers would get in
19 trouble for placing product or doing stacks of paint
20 without permission from Lowe's because Lowe's doesn't want
21 their vendors freelancing. "I want my product here and I
22 want this Liquid Nails. These displays."

23 So I said "Clarence, you gave me a zero. I had
24 eight placements. I know one wasn't -- I know one wasn't
25 where it was designated to be but I had more than was

1 required and it was approved by the manager and I was 10:13:59
2 proud of that because it was selling really well" and he
3 says "Zero."

4 So that's like strike one, strike two.

5 Karin, he could have passed me very easily and
6 avoided -- and then when he threw in the fact that "if you
7 don't make the eight months" --

8 MS. COGBILL: Sorry. Let's take a moment.

9 (Pause in proceedings.)

10 MS. COGBILL: I apologize for that interruption.

11 MR. FOX: No problem.

12 BY MS. COGBILL:

13 Q I'll give you a second to have a drink and then
14 if you want to finish out what your answer was and if you
15 need any assistance the court reporter can kind of read 10:14:09
16 you back the last few things you said if that would be
17 helpful.

18 THE WITNESS: Yeah. That would be helpful.

19 THE REPORTER: Answer: "A lot of the territory
20 managers would get in trouble for placing product or doing
21 stacks of paint without permission from Lowe's because
22 Lowe's doesn't want their vendors freelancing."

23 Tell me when to stop.

24 THE WITNESS: Okay. I was pretty much done,
25 Karin.

1 Yeah. I'm pretty darn sure so -- 10:16:04

2 Q So then it's after that market walk that you have
3 the second call with Mr. Mayhew to ask him about this
4 alleged policy. Correct?

5 A Yes. And I did call Clarence immediately because
6 I didn't want him to have Andy call him and then "Oh.
7 Wally's calling you. Why?"

8 You know, I wanted to make sure that he knew that
9 I wanted a copy of the policy.

10 Q Okay.

11 A And it was never -- it's not a policy. So it's
12 not the truth.

13 MS. COGBILL: And for just context purposes let's
14 go ahead and mark our first exhibit because I think it
15 would be helpful to get some dates around some events. 10:19:34

16 THE REPORTER: Exhibit 1?

17 MS. COGBILL: Yeah. Exhibit 1 will be great.

18 THE REPORTER: I'm going to mark and hand my
19 marked one to the witness.

20 MS. COGBILL: So Mr. Lawson, the court reporter
21 has marked Exhibit 1. Just for the record it's Bates
22 labeled LAWSON112 to 116 and those -- you'll see we'll
23 refer to Bates numbers throughout the day. Those are the
24 numbers at the bottom that get stamped.

25 THE WITNESS: Okay.

1 MS. COGBILL: Take as much time as you need to 10:20:17
2 review this document and then let me know when you're
3 finished.

4 BY MS. COGBILL:

5 Q I'll tell you sort of what my question is is
6 you'll see on page 3 of the document there's a score of
7 66 --

8 A Uh-huh.

9 Q -- and so my initial question for you will be is
10 this the market walk that we were just talking about?

11 A I think so. I think this was the one.

12 Q And if it would be helpful you're welcome to
13 review the comments and see if there's anything in the
14 comments that would refresh your recollection as to
15 whether this is the market walk we were just describing 10:20:56
16 wherein you got the 66 and had the conversation about the
17 Liquid Nails placement and Mr. Moore's comment about your
18 sales performance.

19 A Yes.

20 Q In the upper left-hand corner of the document
21 there's a date of July 13, 2017.

22 A Uh-huh.

23 Q Is it your understanding that that is the day or
24 one of the days of that market walk?

25 A Yes.

1 Q Do you know if the market walk -- this particular 10:21:43
2 market walk -- this July of 2017 market walk -- was that
3 multiple days?

4 A Yes.

5 Q Do you know what days it was?

6 Was it the 11th, 12th, 13th? 13th, 14th, 15th?

7 A That's why I need -- I would like to request
8 again that I have all the information from HR with all the
9 reports for my records from my employment with PPG. I
10 don't have them. I don't have them even to today.

11 I had them on my 2-in-1 Dell tablet but that's
12 not mine -- that's the company's -- so I had to turn that
13 in and I don't -- I still need again the admin, the
14 training roster, the copies of --

15 To help me -- when you say it would be listed -- 10:22:15
16 it would be listed -- the 206 store, the 1753, the 773,
17 the 1900 and 758. That's five stores. Then you would be
18 logging in and logging out of those stores so it would --
19 you know, and you said on the 17th and having all of them,
20 Karin, and having -- you know, comparing the dates and the
21 comments from Clarence based on the stores mentioned
22 because it would be easier for me to audit it if I had
23 that information.

24 So I'd still like to have it and it would be
25 helpful today for me because five stores and definitely

1 A Uh-huh. Yes. Yes. 10:32:55

2 Q And do you recall your second market walk being
3 about a month later in April?

4 A Yes.

5 Q And then we saw in Exhibit 1 that you did a
6 market walk in July of 2017.

7 A Yes.

8 Q And then do you recall doing another market walk
9 in August of 2017?

10 A Yes.

11 Q Aside from those four market walks do you recall
12 any others that you did with Mr. Moore?

13 A No. And I think Sean was on the last one. Sean
14 accompanied Clarence Moore on the last one.

15 Q So you anticipated exactly what my next question 10:33:37
16 was which was going to be aside from Mr. Moore was there
17 anyone else present for any of your market walks?

18 A That was the only one anybody else was present.

19 Q And what is Sean's last name if you recall?

20 A Kaser or Kase. Kasie or Kaser or something like
21 that. I'm not sure how to spell it but -- I'm probably
22 not saying it right either but K-a-s-i-e or something.
23 I'm not sure.

24 Q And what was Sean's role with PPG at the time in
25 August of 2017 when you did that market walk?

1 you know, and Sean too. 11:02:12

2 And I don't know what he did with the photographs
3 of those notes. If he gave them to you guys or if he's
4 mentioned them to you but that's what happened. Okay?

5 Q Okay.

6 A And that's not -- that's not acceptable at all I
7 don't think.

8 Q So as I understand you believe that the July
9 market walk score you got was unfair.

10 MR. FOX: Asked and answered.

11 BY MS. COGBILL:

12 Q Correct?

13 A Yes.

14 Q And that this was the first unfair score that you
15 had received from Mr. Moore. 11:04:26

16 A The one prior to that too.

17 Q Okay. So you believe that the market walk score
18 that you had received in April of 2017 was also unfair?

19 A I'd have to -- I don't -- I wanted to -- today I
20 wanted to mention -- I mentioned about the pathetic
21 comment. That was before the market walk. That's not --
22 that didn't have anything to do with any market walk and I
23 just -- and this is like I'm just starting off. I'm just
24 starting off with Clarence and I didn't understand.
25 That's not a good start, you know.

1 Q I appreciate that. And just so that we're clear 11:04:38
2 you feel that the market walk score that you received in
3 July of 2017 was unfair and that the market walk score
4 that you received in your prior one -- the one that
5 preceded July 2017 -- was also unfair.

6 A They're all unfair. Every one of them. Every
7 one of those market walks were unfair.

8 I just -- I didn't sign them. I didn't make any
9 comments. I had just gotten the highest score -- one of
10 the highest scores in the nation on a market walk and I
11 got a gift certificate from Starbucks for \$25 and a call
12 from Sean congratulating me.

13 It was the highest score up to that point of the
14 year. It wasn't -- I don't know -- I don't know if it
15 finished the highest score by the end of the year but when 11:05:27
16 I was given the market walk there was still a little bit
17 of time left in the year so somebody could have got a
18 higher score. And I got a raise too.

19 And then months later I'm getting -- I don't
20 know. I just did not -- I wasn't happy with any of those
21 scores. You know, especially the 66 and, you know, the
22 option that I want you on my team kind of thing and I
23 don't know. It just didn't seem right.

24 Q The market walk score of 80 that you're referring
25 to -- that's the market walk that Mr. Stanton did of you.

1 Correct? 11:06:28

2 A Yeah. Yes.

3 Q What's your belief as to why Mr. Moore gave you
4 unfair market walk scores as early as your first one in
5 March of 2017?

6 A I have no idea. I have no -- I have no --
7 absolutely no clue at all why. I mean I can't tell you.

8 Q Did Mr. Moore make any comments to you that you
9 felt -- that would indicate why he would be --

10 Sorry. Let me be more clear about my question.

11 Did Mr. Moore make any comments to you or say
12 anything to you that would give you an indication as to
13 why he might be scoring your market walks unfairly?

14 A No.

15 MS. COGBILL: Let's go ahead and mark our next 11:07:36
16 exhibit.

17 THE REPORTER: Exhibit 2.

18 MS. COGBILL: So Mr. Lawson, take as much time as
19 you need to review Exhibit 2. Let me know when you've
20 finished.

21 Just for the record it's Bates labeled LAWSON259.

22 THE WITNESS: I can hardly ready my writing. I'm
23 having a hard time but okay. Give me a minute.

24 Okay.

25 ////

1 BY MS. COGBILL: 11:09:22

2 Q So let me just start with some foundational
3 questions.

4 Does what's been marked as Exhibit 2 reflect
5 notes that you took?

6 A (No response).

7 Q Is this your handwriting that we're looking at?

8 A Yes.

9 Q Do you know when you took these notes?

10 A No. I don't know. I'm not sure.

11 Q Do you know if these notes were all taken on the
12 same day?

13 A You know what? I'm not sure, Karin. I can't
14 tell you for sure. It's a hodgepodge of notes though. I
15 mean I can see that but I don't know -- I don't know 11:09:46
16 because there's a bunch of dates.

17 MR. FOX: Take your time to read the document.

18 THE WITNESS: There's dates. Okay. There's --
19 okay. Okay. It's my writing. These are my notes but the
20 exact time I took them and the foundation --

21 BY MS. COGBILL:

22 Q Let's go through a couple things on the notes and
23 kind of go through some questions on it.

24 It looks like on the upper right-hand corner I
25 see the number 58.46 in quotes and then next to it appears

1 to be "market walk." 11:10:37

2 A Yes.

3 Q Do you know what 58.46 is referring to?

4 A No. No, I don't.

5 58.46. I don't know if it's 58.46 or two market
6 walk scores. I'm not sure.

7 Q Fair enough. So it could be -- and we'll get
8 into that or maybe we'll look at some other documents that
9 might help.

10 A Okay.

11 Q Below that appears to be the date of 4-21-17.

12 A Yes.

13 Q And then there's a check mark and it looks like
14 it says "unsuccessful market walk" and then maybe below
15 that it says "verbal." 11:11:16

16 A Yeah. It looks like maybe it could be "verbal."
17 Yes.

18 Q Would this refresh your recollection that you
19 would have had a market walk April 21st, 2017?

20 A Yes.

21 Q Now if I told you that April 21st was a Friday
22 would you have done the market walk over perhaps
23 Wednesday, Thursday and Friday of that week?

24 A Possibly. Yes.

25 Q And your market walks -- were they always more

1 than one day? 11:12:00

2 A Yes.

3 Q So there would have at least been a market walk
4 on April 20th. Correct?

5 A I think so.

6 Q Okay.

7 A Yeah. I'm not -- actually I think it has been
8 broken up a couple times where it was -- like I said I'd
9 have to look at the training roster report and stuff like
10 that and the admin and I'd maybe refresh my memory about
11 that but yeah. Yeah. It was usually three days but I
12 don't remember it being broken up.

13 Broken up? Is that what you had asked?

14 Q I guess my question was do you remember it being
15 sort of three consecutive days or at least two consecutive 11:12:38
16 days that week?

17 A Yeah. Typically it was. It would be.

18 Q Right below that we see a date of 3-15-17 with a
19 check mark and then it says "verbal warning" I think.

20 Tell me if I'm reading your handwriting
21 incorrectly.

22 A Yes.

23 Q And then do you know what it says after "verbal
24 warning"?

25 A Yeah. I do.

1 Q What does it say? 11:13:10

2 A "Really."

3 Q Okay. So is this reflecting that there was a
4 market walk March 15th of 2017?

5 A Yes.

6 Q And that following that market walk you received
7 a verbal warning?

8 A Yes.

9 Q And is the "really" sort of your commentary on
10 the fact that you got the verbal warning? Or do you know
11 why you wrote "really"?

12 A Well we all kind of laughed a little when I said
13 it because I honestly can't -- I was a little shocked. I
14 mean I've just been shocked through this whole process
15 about how the calculation or the determination or the 11:13:37
16 decision is made to arbitrarily have a -- you know, when
17 you look at these scores it's either zero or 4.

18 If you have five stores and you have one
19 product -- one product at one of the stores that didn't
20 have the product in a designated area and all four of the
21 other stores have multiple additional locations for the
22 product placement to sell with permission given by the
23 Lowe's stores.

24 It's been blessed, it's been approved and that's
25 not a zero. It's not a zero. It can't be a zero but I

1 was given zeros on multiple occasions and -- 11:14:10

2 What's my point? My point is "really" means
3 really it -- I mean there's --

4 That's all. That's all I've got to say on that.

5 Q Now below that handwritten notation you have
6 "16 November at 84 score."

7 A Yeah.

8 Q Is that a reflection that your market walk with
9 Mr. Stanton was in November of 2016?

10 A I wasn't sure. I was guessing when I put that
11 and I was guessing -- I don't remember what the final
12 score was because I can't find the -- I can't find the
13 market walk.

14 I think it was more than 84 and I don't know if
15 it was November. We talked about this earlier. I think 11:15:22
16 we talked about this earlier. It was when Paul left
17 October or November or when he did my market walk and I
18 couldn't remember if it was October or November. I mean
19 it could have been September maybe but I mean it was in
20 that time frame.

21 I was just guessing. I know I was guessing when
22 I put that in there because I knew it was the highest
23 score but -- and I don't know why I came up with an 84. I
24 think it was 88 or 96. It was a big number -- it was a
25 good number -- but I don't have that copy of the market

1 walk score but I would like to have a copy of it so I 11:15:32
2 could see it.

3 And so that was just a guess but I knew it was
4 good and I knew, you know, it was recognized as being, you
5 know, really positive and good so I got a raise and it
6 felt like I was -- that's where that --

7 Did that answer your question?

8 Q It does. Yes. It confirms that we're not sure.
9 We can't confirm if the market walk was in November or
10 not.

11 A Right. I definitely don't know for sure. No.

12 Q I see also over in the upper left-hand column two
13 dates that have squares around them. Right?

14 A Yes.

15 Q So we've got May 12th of 2017 and July 7th of 11:16:43
16 2017.

17 Do you see those?

18 A Uh-huh.

19 Q Yes?

20 A Yes. I'm sorry. Yes.

21 Q Is the significance of May 12th, 2017 -- did you
22 write that because that was the day that you were put on
23 your PIP?

24 A I think so. I think so. It makes sense I
25 guess.

1 understanding is that what we've already marked as 11:42:56

2 Exhibit 1?

3 Would that be the market walk spreadsheet for
4 this same July 13, 2017 market walk?

5 A Yes.

6 Q Mr. Moore then says "As we talked about we will
7 be extending your PIP for 30 days from today to Saturday,
8 August 12."

9 A What was the date of this e-mail? July 13th?

10 Okay. Go ahead.

11 Q Do you have a recollection of having a
12 conversation with Mr. Moore about your PIP being extended
13 for 30 days?

14 A Yeah. I remember now because this is dated --
15 oh. This is dated July 13th -- the market walk -- but I 11:43:47
16 remember him saying that he could not -- he would have to
17 get approval. He had to get approval from Sean or
18 somebody -- you know, a supervisor above him -- to extend
19 the PIP but --

20 Q And ultimately -- I'm sorry. I didn't mean to
21 cut you off.

22 A That's okay. Go ahead.

23 I was just going to say I remember him saying
24 that he could not make that call but he would see if he
25 could get it extended for me.

1 Q And ultimately your PIP was extended. Correct? 11:44:11

2 A Yes. Yes. And it should have been. I mean --
3 that was the biggest -- you know, 66, 70. We already
4 discussed it in the deposition earlier that, you know,
5 it's his discretion as far as the five points, the four
6 points and, you know, it just seemed like a simple call
7 and not even have to extend it just "You passed. We're
8 good. Move on."

9 And then -- but it was extended but I remember
10 him -- I remember him -- so I'm not sure about the date.
11 Like it was -- because the market walk was dated the same
12 date so I don't -- when I saw this last night I was
13 running that through my mind if -- "Did I get this -- did
14 I get this because" --

15 I remember him telling me that he could not 11:44:36
16 extend it without talking to whether it was Sean or
17 somebody above Sean.

18 "As I told you I need you to send" -- that's
19 something else but "we talked about recap, we talked about
20 we will be extending your PIP for 30 days from today."

21 So go ahead. That's it.

22 Q A couple sentences later it says "As I told you I
23 need you to send me your Cognos numbers."

24 For my own benefit what are Cognos numbers?

25 A (No response.)

1 still under oath. 12:07:01

2 A All right.

3 Q Before we took a break we were talking about the
4 issues that you were having with the training roster
5 program and it sounded like from your testimony that once
6 you received the new Dell 2-in-1 there was some further
7 issue with the program. Is that correct?

8 A Yes.

9 Q And approximately how long did it take to resolve
10 that?

11 A I don't remember. I don't remember how long it
12 took to resolve it. I can't remember.

13 Q A week? Two weeks?

14 A It wasn't two weeks but that's about the best I
15 can do. Not two weeks. 12:07:41

16 Q As in it was less than two weeks?

17 A Yes. Yes. I think. I'm guessing. I don't
18 remember that. I know we had to send it away so --

19 Q And once you received it back did you have any
20 further issues with the training program?

21 A No.

22 Q The market walk that you did in August of 2017 --
23 you referred to making some notes. The dos and don'ts.

24 Did you do that after you had completed the walk
25 of the three stores?

1 A Okay. All right. 01:44:18

2 Q So the first one says that "In store 1900 today
3 while attempting to reach something in top stock Wally
4 pulled out a five gallon bucket to stand on it. He
5 proceeded to do so and RSM immediately asked him to step
6 down."

7 A True.

8 Q The next one says "Wally arrived, drove into the
9 parking lot of my hotel for the recap of the market walk
10 and was on the phone while driving."

11 A Not true because I had my GPS on my phone. We
12 met in Seal Beach and I was just looking at my GPS on my
13 phone. When Clarence mentioned it I was a little shocked
14 they did but I wasn't talking on my phone. I was just
15 looking at the directions. That's all so -- 01:45:17

16 Q If you go up one comment --

17 A Okay.

18 Q So under the "Administrative Duties" there's a
19 reference to "force out July 13th out of Rancho Santa
20 Margarita."

21 First can you just tell me what is a force out.

22 A It's when you forget to log out of the Lowe's
23 stores and it won't enable you to log in to the next store
24 and if you do that it will force out of the store that you
25 left or at the end of the day if you don't log out after

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1 question. 01:59:45

2 THE WITNESS: I'm sorry. I'm sorry. Go ahead.

3 BY MS. COGBILL:

4 Q Do you have any reason to believe the records
5 from the Lowe's store would -- to dispute the fact that
6 the records from the Lowe's store show that you were at
7 stores 1050 and 1900 but that your training record shows
8 that you were doing training with Alex from store 773?

9 Do you have any reason to dispute that?

10 A No.

11 Q Any reason to believe that Mr. Moore would be
12 falsely making that comment?

13 A No. No.

14 Q The next one is "On 5-11 TM was in stores 250 and
15 2268. TR shows training in Nicki from store 773." 02:00:15

16 Sitting here today do you have any reason to
17 believe that's not an accurate statement?

18 A No. No, I don't.

19 Q And any reason to believe that Mr. Moore would
20 have falsified that statement?

21 A No. No. But I'd still like to check it though
22 to make sure. Just to see. That's unusual but anyway.
23 But it could happen. It's possible. You know,
24 theoretically it could happen. But that's my answer
25 so --

1 Q And then the last one says "You said you trained 02:00:35
2 Alex from store 773 on 6-19" -- I'm sorry -- "on 6-14 on
3 nine different items and TMS shows that you were not even
4 in that store."

5 So TMS would be the records that you would
6 have -- would be the Lowe's records from when you would
7 clock in and clock out.

8 A Yes. Yeah. So we'd just have to audit those and
9 look at them and see what's going on. Why -- if you
10 clicked on the wrong -- it's kind of hard to explain but I
11 mean again theoretically you could do it. It could
12 happen. You could click on the wrong -- put the guy in
13 the wrong store, click it on and then not have him plugged
14 in to the right store and -- so it's possible.

15 Q And it sounds like what you're saying is possible 02:01:15
16 is -- so it's possible that there would be a discrepancy
17 between your training record and the store log in records.

18 A Yes. Yes. Yes. Yeah because that would happen
19 from time to time. Especially I remember telling you
20 earlier today that when we had some issues with the
21 training roster you would click on the dropdown for -- I
22 don't know if it was product or if it was the store
23 location and then it would go to another store.

24 It's kind of like what's happening here in a way.
25 It would go to another store and if you didn't catch it

1 and you just went to the other store -- you know, again 02:01:52
2 theoretically I guess you could show you're in one store
3 and somebody else is being trained and you're not there
4 but unless I checked it -- I mean you could check it
5 really easy. It wouldn't be difficult to figure out what
6 happened.

7 Q Did you have a discussion during this August
8 market walk with Mr. Moore and you said it was Mr. Kacsir
9 who was there about the discrepancies between your
10 training records and your stores?

11 A No. No. No. I mean -- well in the post market
12 walk review?

13 Q I didn't --

14 A None of these items and their comments were
15 discussed at all at the meeting with Sean and 02:02:56
16 Clarence Moore going over my market walk.

17 No. This was not so --

18 Q Now subsequent to this market walk you had a
19 conference call with Mr. Mayhew and Sean. Mr. Kacsir I
20 think is --

21 A Sean Kacsir. Yeah. That's right.

22 Q So sorry. So subsequent to the market walk --
23 the August market walk -- you had a conference call with
24 Mr. Mayhew and Mr. Kacsir.

25 Do you recall that?

1 A No. No. Do you know the date of it? Of the 02:03:15
2 conference call.

3 Q I do not.

4 A Because that would be easy to check too because
5 just check the phone records and stuff if it was a
6 conference call but I don't recall it. No.

7 Q Do you recall having any conference calls post
8 this August market walk with Mr. Mayhew and Mr. Kacsir?

9 A No. No. No.

10 Q Do you recall having a discussion at any point in
11 time -- a conference call at any point in time where
12 Mr. Mayhew and Mr. Kacsir and you were on a conference
13 call and there was a discussion about falsifying training
14 records?

15 A No. No. Falsifying training records on a 02:04:03
16 conference call? No.

17 Q Did you ever have a discussion with anybody at
18 PPG about falsifying training records?

19 A No. I was just told I was being terminated at my
20 exit interview by Andy Mayhew that -- I asked him "Why am
21 I being terminated?" He said "You falsified training
22 roster records." I said "That's not true." He says "Yes.
23 You admitted it. You said you did it. You falsified
24 records." I said "No. I said" -- and Clarence is sitting
25 right across from me just like you and I are sitting right

1 across from each other. 02:04:25

2 "Clarence, explain to Andy what happened with the
3 falsifying. This falsifying reason I'm being terminated.
4 Explain, Clarence." "What happened?"

5 And Clarence didn't support me. He didn't say
6 anything about my iPad crashed. I got issued a new
7 2-in-1. I had to reload the 2-in-1. With all 11 stores
8 all the records had to be inputted and falsify? Some of
9 them could have been put -- some of them -- some of the
10 associates could have been put in the system incorrectly
11 but falsifying those records -- no way.

12 There's no reason to falsify training roster
13 records. It was a combination -- and Clarence did not say
14 one word about what had transpired when my -- because it
15 crashed the Sunday before a market walk and so I lost 02:04:36
16 everything so I had to reload it.

17 So I didn't falsify any records. I mean it might
18 have been reloaded a little bit -- plugged in a little --
19 in some cases not a hundred percent correct in the right
20 slot but there was no falsification that I would -- oh I
21 admit --

22 We were just talking about it right now. I
23 didn't falsify any records. Theoretically those things
24 can happen by pushing the down arrow and it would go to a
25 different store or a -- that could happen but no.

1 these issues with the training." So otherwise, you know, 02:10:48
2 the PIP part or writing -- you know, it's kind of funny.
3 All these things come up here and they're all five
4 different dates -- five different dates, different
5 associates trained in stores and that's what happened with
6 the 2-in-1 training roster record so --

7 Q So let me ask you this. I mean is your
8 understanding that the issues regarding your training
9 records all relate back to the problems that you were
10 having with the iPad and then the 2-in-1 that we talked
11 about earlier?

12 A Yes. Yes. It was a nightmare fixing -- it was a
13 nightmare fixing a combination of things that happened.
14 Not only just -- okay -- the iPad -- it crashed -- but
15 then to try to reduplicate all those training records on a 02:13:12
16 new system -- a new tablet -- and then have some problems
17 with that. It was -- that's my answer.

18 Q Now the discrepancies that are noted in your
19 August market walk -- those discrepancies are all after
20 you had received your new 2-in-1 and the programs had been
21 fixed. Correct?

22 A Yes.

23 Q So those discrepancies aren't the result of
24 losing your training roster or the records previously?

25 A No but you could still -- you could still

1 navigate through the system and accidentally plug somebody 02:13:57
2 in. I mean the human factor too is you could list
3 somebody in the wrong store or something and then click on
4 them and not notice that you're saying you trained them at
5 the wrong store.

6 I mean again theoretically it's possible but I
7 would have to check and see but it's not -- there's no
8 purpose premeditated "I'm going to generate and falsify my
9 Lowe's" --

10 There's no reason. There's no reason in the
11 world to do that. To falsify those records. Not a single
12 reason.

13 Q Do you know who made the decision to terminate
14 you?

15 A No. I don't. I mean I could guess but I don't 02:14:30
16 know.

17 Q I don't want you to speculate. Just --

18 A I don't know.

19 Why do you ask the question then?

20 MR. FOX: She's entitled to ask questions.

21 THE WITNESS: I'm sorry. Sorry, Karin. I'm not
22 being a wise guy.

23 MS. COGBILL: No. No. Look, I am --

24 THE WITNESS: I don't want to -- I was just
25 curious because I've never been asked that question

1 before. 02:15:11

2 MS. COGBILL: I appreciate that it's a --

3 THE WITNESS: I'm sorry. I apologize.

4 MS. COGBILL: You're not the first deponent to
5 ask me back a question.

6 THE WITNESS: Okay.

7 MS. COGBILL: Let's go ahead and mark this as the
8 next exhibit.

9 THE REPORTER: No. 7.

10 MS. COGBILL: So go ahead and review what's been
11 marked as Exhibit 7 and for the record it's
12 PPG_LAWSON_636.

13 THE WITNESS: Okay.

14 BY MS. COGBILL:

15 Q So do you see what's been marked as Exhibit 7? 02:16:51

16 The top of it is an e-mail from Mr. Lawson --
17 yourself -- to Mr. Moore on August 24th, 2017.

18 The e-mail reads "Hi Clarence. I will take some
19 time to review my market walk spreadsheet with all the
20 listed opportunities that we discussed and get back to
21 with my formal comments. Many thanks, Wally."

22 Do you recall sending that e-mail?

23 A No. This came last night. This came last night
24 too I'm pretty sure. No, I don't but, you know, it has my
25 name on it. I don't remember sending this e-mail so

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1 that's the answer to that question. 02:17:21

2 Q Do you have any reason to believe you did not
3 send it?

4 A I don't remember. I have no -- I have no
5 recollection of sending this e-mail.

6 Q Does this refresh your recollection that you did
7 receive a copy of your August 2017 market walk?

8 A I'm sorry. I answered the question about this.
9 This e-mail. Is that something else that --

10 Q No. It's the same document.

11 A It's the same document?

12 Q Yes.

13 A So what were you asking again? Sorry.

14 Q Does reviewing Exhibit 7 --

15 A Right. 02:18:08

16 Q -- refresh your recollection that you did during
17 your employment with PPG receive a copy of your
18 August 2017 market walk report?

19 A I don't remember if I did or not. Actually I
20 don't. I don't.

21 MS. COGBILL: Let's go ahead and mark our next
22 exhibit.

23 THE REPORTER: No. 8.

24 MS. COGBILL: So Mr. Lawson, go ahead and review
25 what's been marked as Exhibit 8. For the record it's

1 Bates labeled LAWSON241 to 242. 02:19:08

2 And let me know once you're finished reviewing
3 it.

4 THE WITNESS: Yes.

5 BY MS. COGBILL:

6 Q Is what's been marked as Exhibit 8 -- are these
7 your notes?

8 A Yes.

9 Q And just a few moments ago we were talking about
10 notes that you took during the termination meeting.

11 Are these them?

12 A These are them. Yes.

13 Q And am I understanding correctly that you took
14 these notes in realtime? During the meeting itself.

15 A Yes. 02:20:52

16 Q And so it appears that you wrote down at the top
17 "Termination exit interview at 8:00 a.m. September 6th,
18 2017."

19 That's the date and time of the termination
20 meeting?

21 A Yes.

22 Q And then the place. It was at Embassy Suites in
23 Santa Ana?

24 A Yes.

25 Q And attending were Mr. Moore and Mr. Mayhew?

1 A Yes. 02:24:19

2 Q And the meeting ends?

3 A Right.

4 Q And this is an accurate reflection of what
5 occurred in the meeting?

6 A Yes.

7 Q And then you gave Clarence everything he asked
8 for and no other words were exchanged. Correct?

9 A No. Just about to give me a ride home or taking
10 me home.

11 Q Yes. And you had testified to that.

12 Anything else discussed in the termination
13 meeting?

14 A No. Karin, not that I know. Not that I can
15 recall other than -- that's it. 02:24:56

16 MS. COGBILL: We'll mark Exhibit 9.

17 THE REPORTER: No. 9.

18 MS. COGBILL: Mr. Lawson, please review

19 Exhibit 9.

20 For the record it's Bates labeled LAWSON107 to

21 111.

22 THE WITNESS: Okay.

23 BY MS. COGBILL:

24 Q So Exhibit 9 is the performance improvement plan
25 or PIP that you were placed on. Correct?

1 A Yes. 02:29:42

2 Q And you were placed on the PIP on May 12th, 2017?

3 A Yes.

4 Q And you had previously discussed on April 21st,
5 2017 issues related to your performance with Mr. Moore?

6 A Yes.

7 Q When you spoke with Mr. Moore on April 21st, 2017
8 did he indicate that you would be put on a performance
9 improvement plan?

10 A April 21st? What was that?

11 Oh. Discussed on April 21st.

12 Q Did he discuss with you on April 21st, 2017 that
13 you would be put on a PIP?

14 A Yes. Yes.

15 MR. FOX: You're being asked if he discussed with 02:30:31
16 you on that date.

17 THE WITNESS: On the 21st. Oh. The date of
18 the -- is that the date of the market walk?

19 BY MS. COGBILL:

20 Q Yes. I think that was the final day of the
21 market walk.

22 A No. No. No. This letter is dated 5-12-17 and
23 as discussed on 4-21 -- I said yes because I was thinking
24 well that was the market walk but then issues regarding.

25 I didn't -- no. I was not -- after the market

1 PIP? 02:32:15

2 A I don't remember if I did. I might have.

3 On June 29th if I generated the call to
4 Andy Mayhew or did he generate the call to me? Which was
5 it?

6 Q Well I guess that's a good question for you.

7 My understanding was that you had called
8 Mr. Mayhew on June 29th, 2017 and stated that you were
9 unhappy with the way that Mr. Moore was overseeing the PIP
10 and that you were essentially asking for Mr. Mayhew's
11 help. Assistance.

12 A I don't remember. I don't remember for sure if
13 he called me or if I called him but I wasn't happy with
14 the results but I'm not sure. I'm not sure on June 29th
15 that actually happened so I can't say for sure. 02:33:08

16 Q Do you recall at some point expressing to
17 Mr. Mayhew frustration that you were having with the fact
18 that you'd been placed on a PIP?

19 A Yes. Yes.

20 Q And do you recall also expressing frustration
21 that you felt that Mr. Moore was not properly overseeing
22 the PIP and you didn't think he was meeting with you
23 enough?

24 A Yes. I think we did talk about that but --
25 yes.

1 Q And subsequent to your conversation with 02:33:45
2 Mr. Mayhew we know your PIP was extended. Correct?

3 A Yes.

4 Q So let's go to page 3 of your PIP.

5 It says "Improvement Plan Details."

6 A Yeah.

7 Q Under "Training Roster" it says "With mention to
8 your training on page 2 your training roster should be
9 accurate to the trainings completed. The current staff in
10 each store should also be accurate."

11 A Yes.

12 Q And then "Training or Special Direction to be
13 Provided." Then it says "The roster should be sent in on
14 the first of each month on Excel format."

15 A Yes. 02:34:59

16 Q Do you see that?

17 So there was an expectation that you would send
18 in your training roster on the first of each month?

19 A Yes.

20 Q Now the next one says "Admin." "You're expected
21 not to exceed five hours of admin again in the future
22 without approval from RSM prior to the occurrence."

23 Was there ever a time that you requested
24 additional admin time and the request was denied?

25 A I don't think so. I can't recall.

1 Q The next one says "Regional/National 02:35:53
2 Initiatives." "All initiatives should be completed within
3 the time lines given. If for any reason you're unable to
4 make a deadline you should inform me by e-mail prior to
5 the deadline"

6 Did you ever request sort of an extension of a
7 deadline from Mr. Moore after you were placed on the PIP?

8 A I think so. This was 60 days. No.

9 This was a 60 day PIP. Sixty days. Yeah.

10 No. I don't think so. I don't think I did.

11 Q Were you able to meet all of the initiatives
12 within the time lines given after you were placed on the
13 PIP?

14 A On submitting the training roster in a timely
15 manner and admin and the regional/national -- I think so. 02:36:43
16 I think.

17 Q And then the next one says "Wally has missed
18 eight of the last twelve months in sales and will need to
19 comp positive in the second quarter."

20 A Yes.

21 Q And we've talked about that a little bit already
22 here today.

23 The chart that's at the bottom of page 3 -- those
24 were your sales numbers for each month?

25 A Yes.

1 Q Do you have any reason to believe that the sales 02:37:12
2 numbers were inaccurate?

3 A No.

4 Q You can go ahead and put that aside.

5 You were aware that PPG had a sort of third party
6 complaint or procedure that you could utilize.

7 A Yes.

8 Q And you could either call in and make a complaint
9 or you could submit one through an online portal.

10 A Yes.

11 Q Now am I understanding correctly that you are
12 alleging that you made a -- on two different occasions you
13 made complaints?

14 A Yes.

15 Q And one was through the portal. Correct? 02:38:12

16 A Yes.

17 Q And that was on April 21st, 2017?

18 A I thought it was the 18th. I think it was on the
19 18th, Karin, but -- I'm pretty sure it was on the 18th.

20 It should be dated.

21 MS. COGBILL: Exhibit 10. So let's go ahead and
22 mark Exhibit 10.

23 Exhibit 10 is LAWSON131.

24 BY MS. COGBILL:

25 Q And for the record this is a document that you

1 produced. Correct? 02:38:30

2 A Yes.

3 Q Is this a printout?

4 Did you print this from a computer system?

5 A Yes.

6 Q Now is it your understanding that you -- well
7 tell me what you did.

8 A The morning of our weekly conference call when we
9 just go over a lot of the MAP initiatives Clarence
10 asked -- he asked that he would like us all during our --
11 whether it's one visit or two visits per day to mismix
12 three to five gallons -- it might have been two to three
13 gallons -- two to five gallons of Rescue It per visit
14 every visit he said on the down low.

15 He instructed -- a couple people asked questions 02:39:56
16 about the risk factor with video cameras. There's cameras
17 in the paint department. "What happens if you're seen on
18 the camera mismixing this product?" and Clarence said
19 "Well all you have to do is just say you were mixing it
20 for a customer and they never came back to pick it up."

21 And then he asked each territory manager during
22 the conference call to -- if -- and I can't believe -- I
23 can't believe he asked us to do this but he -- he wanted,
24 you know, to purposely mismix it but also -- you know,
25 you're using their own pigments and then ask if you could

1 A It was a while. It was probably -- I don't know 02:45:29
2 how many days. I'd have to -- it was -- it was -- it took
3 a while before I realized it. I don't remember the exact
4 day I realized it though.

5 Q Was it a week after you submitted the initial
6 one?

7 A No. It was more than that. More than a week.
8 It could have been a month maybe. It could have been
9 longer. I don't know the exact date.

10 Q Now the bottom message states "Communications
11 with reporting party. This thread was created
12 automatically for you to communicate with the
13 organization" --

14 A Yes.

15 Q -- and you'll see it says "zero replies" and it's 02:46:02
16 got a time. It's kind of hard to make out but it looks
17 like it's 1:30-something p.m. 4-21-17.

18 A Right.

19 Q If the records indicate that this was submitted
20 on 4-21 -- that your initial complaint was submitted on
21 4-21-17 --

22 A Right.

23 Q -- do you have any reason to dispute that?

24 A No. No because I talked to my daughter that same
25 day and I might have submitted it on the 21st. I mean I

1 wouldn't bet my house. I thought I submitted it -- I 02:46:38
2 might have talked to her on the 18th and then I was clear
3 that it was a big violation -- unethical violation -- so I
4 might have submitted it on the 21st so --

5 But it happened on the 18th. We were asked to do
6 that on the 18th by Clarence.

7 Q Now you selected to submit this report
8 anonymously. Correct?

9 A Yes. Yes.

10 Q And that's because you didn't want Mr. Moore or
11 anybody else to know that you were the one submitting the
12 report?

13 A Right.

14 Q Did you ever tell Mr. Moore that you had
15 submitted this report? 02:47:20

16 A I told him I wasn't comfortable -- I wasn't
17 comfortable purposely ruining paint. It's not right.
18 It's not -- there's something -- and I told him a story
19 about I managed a branch -- years ago I managed a branch
20 and we had one of our employees -- one of the sales
21 people -- and he would come in to the branch and he would
22 use our stamp machine to stamp all his mail. His
23 Christmas cards or whatever.

24 He was always using our stamp machine and one of
25 the employees brought it to my attention and said "Wally,

1 he's coming in here. He's using it." And so I confronted 02:47:25
2 the employee and I said "That's stealing. You can't, you
3 know, use our stamps for your personal postage or your
4 Christmas cards. Stop immediately."

5 I said "We have 6,000 reps. If all 6,000 reps
6 were using our stamp machine the way you are" -- it was
7 10, 15, \$20 every time he came or, you know, once a
8 month -- 6,000 times \$20 -- it's stealing. Bad. Not
9 acceptable.

10 And so I told Clarence the story that this is --
11 this is not good. It's not -- you know -- and so I wasn't
12 going to participate.

13 Q When did you have that discussion with Mr. Moore?

14 A Probably the end of that week or the next time I
15 saw him which I don't remember when it was. 02:49:04

16 Q Now you had a market walk with Mr. Moore that
17 week.

18 A Right.

19 Q Right?

20 A Right.

21 Q And I think we established earlier that the
22 market walk would have been over the 20th -- or sorry --
23 the 19th, 20th and 21st.

24 A Right.

25 Q Did you have the discussion with Mr. Moore during

1 that time when you saw him on the market walk? 02:49:18

2 A No. No. After.

3 Q And did you tell Mr. Moore that you had actually
4 submitted a complaint or reported him to PPG?

5 A No. No. No, I didn't.

6 Q So in your conversation with Mr. Moore you told
7 him that you were uncomfortable with --

8 A Yes. Personally I -- I could tell by his
9 responses to all the other territory managers that it's
10 not optional. This is going to happen. You know, "We're
11 going to mismix this paint. We're going to go in and
12 we're going to ruin this paint" and people were bragging
13 about it.

14 Some of the territory managers the following
15 week -- we had our conference call on Tuesday morning 02:49:42
16 nine o'clock and I'm not going to name the names of the
17 territory managers that bragged about it but "Hey, I've
18 just mismixed three gallons, I mismixed five gallons here"
19 and it adds up. There's how many? Two hundred -- over
20 200 reps mismixing three to five gallons nationally if it
21 was happening nationally. I didn't know.

22 I just knew it wasn't right. I knew it had to be
23 breaking some kind of law and then I phoned -- I called a
24 third party company to report it. I called them on the
25 phone just to file another complaint because nothing was

1 happening and that's when I was contacted by Dave Duffy 02:49:42
2 and Dave Duffy is the compliance manager for PPG and I
3 discussed it with him.

4 Q Was that the first time that Mr. Moore had
5 instructed you or any other territory manager to mismix or
6 mistint paint?

7 A Yes.

8 Q Aside from the conversation with Mr. Moore where
9 you told him that you were not comfortable with this did
10 you have any other discussions with Mr. Moore about the
11 mistinting or mismixing?

12 A No.

13 Q Now you were starting to tell me in your last
14 response that you had called the compliance line to file a
15 subsequent complaint. Correct? 02:51:43

16 A Yes.

17 Q At some point you said you realized that there
18 were messages to this first complaint that had not been
19 responded to.

20 A Right. That I didn't respond to. Yes.

21 Q Where in time did your discovery that these
22 messages had not been responded to fall in relation to
23 when you called the compliance line?

24 A You mean how much time had gone by or --
25 When did I file the --

1 BY MS. COGBILL: 02:53:38

2 Q Actually let me ask you first.

3 So the second complaint -- this time you call the
4 compliance line. Correct?

5 A Correct.

6 Q And walk me through that phone call.

7 What happened?

8 A I called and I got one of their agents and she
9 asked me questions like "Well do you think any laws were
10 broken?" and I said "Definitely. There was definitely
11 laws broken" and then she asked me for specific details
12 and it's in the complaint.

13 I'd have to look and see exactly how I worded it
14 when I called her but it's in the complaint. And I don't
15 remember the exact date right now when I called. 02:53:59

16 Q And in that phone call you asked for the
17 complaint to be submitted anonymously again. Correct?

18 A Yes. Yes.

19 Q And then from that call it generated some type of
20 a report in the system in the sense of you were able to go
21 back and log in to the sort of ethics portal system --

22 A Yes. Yes.

23 Q -- and you could see that the phone call that you
24 had made was now documented in a report.

25 A Yes.

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1 Q Do you have any knowledge that PPG saw the 02:56:31
2 contact information or received the contact information
3 associated with this?

4 A No. No.

5 Q Now there's a description of the incident.
6 Go ahead and read that and then my question for
7 you will be is that an accurate description that you
8 provided during the call?

9 A Okay. Yes.

10 Q So that's an accurate description of what you
11 told the compliance person?

12 A Yes.

13 Q And did you understand that the person that you
14 were speaking to was employed by a third party?

15 A Yes. 02:58:28

16 Q Not a PPG employee?

17 A Yes.

18 MS. COGBILL: I'm going to go ahead -- let's mark
19 this next exhibit as well.

20 THE REPORTER: Exhibit 12.

21 MS. COGBILL: Exhibit 12 is a three page
22 document. PPG_LAWSON_729 to 731.

23 BY MS. COGBILL:

24 Q And Mr. Lawson, I've marked Exhibit 12 only
25 because some of the information that I think was available

1 on the system or some of the questions you asked may have 02:59:05
2 gotten cut off or aren't quite as easy to read in
3 Exhibit 11 but if you look at the second page of
4 Exhibit 12 at the top there's a series of questions.

5 A Yes.

6 Q Those are the same questions that are in the
7 "Survey" section on Exhibit 11.

8 Do you recall being asked each of those questions
9 during the call?

10 A Yes.

11 Q And are those the answers that you provided?

12 A Yes.

13 MS. COGBILL: We can go ahead and take a break
14 before we get to the next line of questions.

15 MR. FOX: Okay. 02:59:59

16 THE VIDEOGRAPHER: We're going off the record at
17 3:00 p.m. This is the end of media 4.

18 (Recess.)

19 THE VIDEOGRAPHER: We're on the record at
20 3:19 p.m. This is the beginning of media 5 in the
21 deposition of Wallen Lawson.

22 BY MS. COGBILL:

23 Q Mr. Lawson, I'll just again remind you that you
24 are under oath.

25 So before we took a break we were talking about

1 **S266001** the second complaint that you had submitted and you made 03:19:03
2 through the call center I guess we'll call it.
3 A Yes.
4 Q Looking at Exhibit 12 I see a date of June 15,
5 2017 --
6 A Uh-huh.
7 Q -- as submitted.
8 Does that seem accurate that you made this
9 complaint on June 15th, 2017?
10 A Yes.
11 MR. FOX: I'm sorry. Where are you referring to?
12 Oh. I see. Okay. Thank you.
13 BY MS. COGBILL:
14 Q Now after the complaint is submitted in this
15 instance there are some follow-up messages that happened. 03:19:50
16 Right?
17 A Yes.
18 Q And you exchanged responses through the portal
19 system. Correct?
20 A Yes.
21 Q Do you recall at some point being asked if you
22 would consider speaking with David Duffy?
23 A Yes.
24 MS. COGBILL: Let's just go ahead and mark our
25 next exhibit.

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1 message. Correct? 03:21:52

2 A Yes.

3 Q And then do you call Mr. Duffy back or does he
4 call you again? If you recall.

5 A I don't recall. I think he just called me back.
6 I think.

7 Q And how many times did you speak with Mr. Duffy
8 by phone related to this complaint?

9 A I think just that one time. Yeah.

10 Q And had you ever spoken to Mr. Duffy before
11 during your employment with PPG?

12 A No.

13 Q And so you have a phone call then with Mr. Duffy.
14 Do you recall what you told Mr. Duffy during that
15 call? 03:22:28

16 A I think it was just basically a review of what
17 I'd submitted to the ethical hotline.

18 MR. FOX: A review of that?

19 THE WITNESS: And then he asked me a few
20 questions about did I think it was happening in other
21 regions of the country or, you know --

22 A little more detail about, you know, since it
23 was -- since it came up how many territory managers were
24 actually mismixing paint and bragging about it on the
25 conference calls like how many gallons they had ruined at

1 relationship with them so I wanted to ask if their 03:24:43

2 regional manager -- if they were involved in the same --

3 Q Do you recall who you called?

4 A Vince. I don't know Vince's last name. I can't
5 remember his last name and I don't think he works for PPG
6 anymore but he was in my training and he shared that, you
7 know, on a number of occasions he was asked to mismix the
8 paint so --

9 And I don't remember the other -- so just a
10 couple. I don't remember the other guy's name. For some
11 reason I have a mental block.

12 Q Well if it comes back to you let me know.

13 A I will.

14 Q Approximately how long did the phone call with
15 Mr. Duffy last? 03:25:52

16 A Fifteen minutes maybe, 20 minutes. It lasted a
17 while.

18 Q And during the phone call did you identify
19 yourself by name?

20 A That's a good question. I don't know. I don't
21 remember if I did or not.

22 Q Did Mr. Duffy refer to you by name?

23 A No.

24 Q Did Mr. Duffy ask if you wanted to remain
25 anonymous?

1 A No. 03:26:29

2 Q Did he ask if he could share your name with
3 people?

4 A No.

5 Q Now after you had the call with Mr. Duffy do you
6 have a call at some point with Ian Dalton?

7 A No. I don't remember ever talking -- Ian Dalton?
8 No. I don't think so.

9 Q Do you remember anybody else from PPG calling you
10 to talk about the mistinting allegations?

11 A No.

12 Q After your call with Mr. Duffy did you speak with
13 anybody else at PPG about the mistinting allegations?

14 A No.

15 Q Did you ever tell Mr. Moore that you had made the 03:27:23
16 complaint with respect to -- this June complaint with
17 respect to mistinting?

18 A No.

19 Q Did you ever tell Mr. Mayhew that you had made
20 that complaint?

21 A No.

22 Q Did you tell anybody at PPG that you had made
23 that complaint?

24 A No.

25 Q And did you ever tell anybody at PPG that you had

1 made the earlier April complaint? 03:27:46

2 A No.

3 Q Do you have any reason to believe that Mr. Moore
4 knew that you had made the complaint?

5 Either the April complaint and/or the June
6 complaint.

7 A No.

8 Q Do you have any reason to believe that Mr. Mayhew
9 knew that you had made the April complaint and/or the June
10 complaint?

11 A No.

12 Q Mr. Lawson, are you currently working?

13 A No.

14 Q Have you been employed at all since your time at
15 PPG? 03:28:31

16 A No.

17 Q Now I'm going to ask you some questions about
18 kind of timekeeping and how it worked when you were at PPG
19 and some of this we've already covered.

20 When you logged into the Lowe's system those
21 log in and log out times -- those would then be populated
22 into your PPG time system. Correct?

23 A Yes.

24 Q And then you would go into the PPG system and you
25 would add additional time that you had worked.

1 if you were demoing a product out in the field you could 03:30:18
2 add that with the details of who the contractor was and
3 what product you were demonstrating. You could add that
4 time.

5 But other than the travel store-to-store and to
6 and from -- that would just be added too but you already
7 said that so that's it. I think that's pretty much --

8 Q So you would have the time -- sorry.

9 So you would have the time that you were in the
10 store which would be populated from the Lowe's system.

11 A Right. Right.

12 Q And then you could add in additional time that
13 you might have worked outside of a Lowe's store.

14 A Yes.

15 Q And then you could add in your travel time. 03:31:03

16 A Yes.

17 Q And then you could add in your admin time.

18 A Yes.

19 Q Was there any time that you worked that you
20 couldn't account for in the system?

21 A I don't think so. I mean without looking at
22 the -- you know, refreshing my memory looking at the
23 system no.

24 Q And you had the ability -- right -- to make
25 adjustments?

1 because you couldn't clock in for 12 or 13 hours. Well I 03:34:41
2 guess you could but I think it would be denied if you
3 tried to submit it to be paid so I just clocked out and
4 finished, you know, doing the project without submitting
5 overtime.

6 Q How many times did that occur?

7 A Well a situation like that -- that project was
8 just a one-time project but there were other times when --
9 I mentioned Red Vest Ready training or prep, helping
10 another territory manager -- that time would typically add
11 up to more time than we could submit over 45 hours and it
12 would add up to additional hours that I wouldn't submit to
13 PPG or ask Clarence for -- ask Clarence for approval to
14 work those hours.

15 Q Did you ever ask Clarence for approval to work 03:35:23
16 more than 45 hours in a week and that request was denied?

17 A No.

18 Q I'm going to go back to the stain hoods.

19 Is that what you called it?

20 A Stain huts.

21 Q Stain huts?

22 A Yes.

23 Q I've got to take better notes. The stain huts.

24 So if I'm understanding correctly you were logged
25 in at a Lowe's store. At some point in time you logged

1 Q How often was there Red Vest Ready training? 03:42:21

2 A Once a quarter. Once -- it varied but once every
3 four months maybe.

4 Q Now did you keep your own time records when you
5 were working at PPG?

6 A Yes. I mean yeah. I would fill out the TMS
7 so --

8 Q Let me ask you this.
9 We talked about today you're a note taker.

10 A Uh-huh.

11 Q Did you keep a set of your own notes or records
12 that are separate from what would have been submitted in
13 the TMS system?

14 A Not typically. In this case with the stain huts
15 I did because of the cost and I thought it was more 03:43:08
16 efficient to build them all in one location versus
17 building them at separate locations and -- but other than
18 that --

19 I kept my own records but I didn't take notes
20 every hour additional.

21 Q When you say you kept your own records you kept
22 records different than the TMS system?

23 A Well in the case of the stain huts I just wanted
24 to know how long it took me to build all those stain huts
25 and then do some of my other responsibilities too so I was

1 just curious about it. 03:43:39

2 That's why I know it took 66 hours to complete or
3 to finish all of them.

4 Q Do you still have the records that you kept with
5 regard to that?

6 A No. No. No.

7 Q What happened to them?

8 A I just -- I don't know what happened to them.
9 I don't have them anymore.

10 Q And the 66 hours -- some of that you would
11 have -- some of that 66 hours you were logged into the
12 system for.

13 A Yes. Yes.

14 Q Okay.

15 A Yes. 03:44:16

16 Q Do you have an approximation as to how much of
17 the 66 hours you were logged in for versus how much you
18 were not?

19 A I'd say approximately or a guesstimate like
20 25 hours probably.

21 Q Twenty-five hours you were logged in for or
22 25 hours you were not logged in for?

23 A Twenty-five hours I was not logged in for.

24 Q And did that project occur --

25 A Twenty to 25.

1 Q I'm sorry. Twenty to 25? 03:44:43

2 A Yeah.

3 Q Did that project occur over one week?

4 A No. Well a little more than a week I think. A
5 little more than a week.

6 Q Do you remember when that project was?

7 A No but I could look it up. I mean I would know
8 because I know -- I would be able to -- I would be able to
9 determine by the records when they were delivered and
10 which stores had them so --

11 Q Because you would have logged into the store when
12 you were delivering it?

13 A Yeah. Yes.

14 Q Now the expectation for territory manager was
15 that you would work 45 hours a week. Correct? 03:45:20

16 A Yes.

17 Q And you'd have 40 regular hours and five overtime
18 hours.

19 A Yes.

20 Q Now sometimes you worked more than five overtime
21 hours. Correct?

22 A Yes.

23 Q And if you recorded more than five overtime hours
24 you got paid for them. Correct?

25 A Yes.

1 Q And were you ever disciplined for recording or 03:45:36
2 working more than five overtime hours?

3 A No.

4 Q Did you ever tell anyone at PPG that you were
5 working time that was not reflected on your time records?

6 So, for example, the extra time that you did with
7 respect to the stain huts.

8 A I don't think so. I don't think -- I'm not sure
9 if I told Clarence. I think I told him I rented a truck
10 to deliver those stain huts but I don't think I told him
11 exactly how many hours it took me to build them and to
12 assemble them so --

13 Q Are you familiar with the phrase off the clock?

14 A Yes.

15 Q And what's your understanding of what off the 03:46:24
16 clock means?

17 A It means not getting paid for it.

18 Q Okay.

19 A For your hours worked.

20 Q Okay. And so sitting here today do you have a
21 recollection of ever telling Mr. Moore that you had worked
22 off the clock as a territory manager at any point in time?

23 A Probably a couple --

24 I know for a fact that I supplemented somebody's
25 effort and my efforts with the Red Vest Ready training and

1 I knew it. I worked a ton of hours preparing because we 03:46:47
2 were the host and then I helped another territory manager
3 out in Escondido and it was a massive amount of time and
4 hours put into that effort. So I remember saying that.
5 That that was --

6 And then I had done a couple all store meetings.
7 All store meetings at a couple of my stores where they
8 have a quarterly -- a quarterly meeting and then invite
9 certain vendors to come speak at their all stores meeting
10 and it was on Sunday. It was on a Sunday. Sunday evening
11 like starting at 8:30 and they close the store versus
12 having it early and I was invited to a couple of those on
13 different occasions to speak and I didn't log in and log
14 out to Lowe's during that time.

15 Q Why not? 03:46:47

16 A Because we weren't supposed to work on Sunday.
17 You're not supposed to, you know, work on Sunday and I
18 thought it was an opportunity, you know, so I just -- you
19 know, the visibility and the PR and the goodwill that I
20 would establish -- it was worth, you know, working. Doing
21 off the clock or whatever you said.

22 Q Now Mr. Lawson, the rule against or the rule
23 against not working on Sunday was you weren't supposed to
24 work on Sunday without permission. Correct?

25 A Right. Right.

1 Q So if you got permission from your regional 03:48:25
2 manager to work on Sunday you could work on Sunday.

3 Correct?

4 A Right.

5 Q Did you ever ask Mr. Moore for permission to work
6 on Sunday?

7 A No but Paul Stanton was my boss when I did those
8 meetings --

9 Q Fair enough. Okay.

10 A -- so no. I asked Paul and Paul says "Well,
11 Wally, go ahead. We'll figure something out. You know,
12 we'll figure something out for you, Wally. Not a
13 problem."

14 And so Paul -- I guess I was kind of half asking
15 for permission but I wanted him to know I was doing it 03:48:45
16 because it was -- you know, it was a lot of work too
17 preparing for that and he appreciated it but he said he'd
18 have to figure something out. You know, that we couldn't
19 put it down on our time.

20 Q So Mr. Stanton specifically told you that you
21 could not record the time associated with working on a
22 Sunday?

23 A On a Sunday. On the two Sundays that I worked.

24 Q So this occurred two times?

25 A Yes.

1 Q And approximately how many hours on each of those 03:49:00
2 Sundays did you work?

3 A Probably four and a half, five hours max. Maybe
4 not even that. Maximum four hours. Four hours.

5 Q Was there any other time where Mr. Stanton told
6 you to do some work but not record it?

7 A Not what?

8 Q Not record your time.

9 A No.

10 Q Did you ever have any discussions with
11 Mr. Stanton aside from these two Sundays about working off
12 the clock?

13 A I don't think so. Just a couple times I did a
14 couple demos where I wasn't that familiar with the
15 system -- sometimes how to, you know, log the contractor 03:49:21
16 name into the system -- and I figured that out -- how to
17 do it -- but other than that no.

18 Q So let me make sure I'm following that right.
19 You did some demos outside of a Lowe's store?

20 A Yes.

21 Q And you weren't sure how to report those on your
22 TMS?

23 A Right. And then he showed me how to log in the
24 contractor's name and, you know, it had the option to
25 account for the time.

1 Q And so you were able to account for the time that 03:49:47
2 you did those demos?

3 A I didn't in that case but I mean -- okay. I got
4 it. I know how to access that. That time or that --

5 Q So was there one demo that you did that you did
6 not report in your TMS system?

7 A There was just a couple. A few demos that I
8 did.

9 Q And explain to me again why it is you didn't
10 report them in your TMS system.

11 A I wasn't -- I wasn't totally clear on how to
12 navigate -- this was when I was brand new. How to
13 navigate the system. I mean so once he explained it to me
14 then I figured it out so --

15 Q And approximately how many hours would you say 03:51:31
16 did you spend on those few demos?

17 A Probably less than 10 hours. All three.

18 Q And did you ever tell Mr. Stanton that you had
19 done demos that you had not recorded in your TMS system?

20 A Yes.

21 Q And did Mr. Stanton tell you to go back and put
22 the time in?

23 A He said that not to do it anymore. Just don't --
24 make sure you do it the way you're supposed to do it so --

25 Q So once Mr. Stanton learned that you had worked

1 time that you hadn't recorded he instructed you "you need 03:52:29
2 to record your time."

3 A Yes.

4 Q And he showed you how to record your time?

5 A Yes.

6 Q Are there any other instances when you were
7 reporting to Mr. Stanton that you worked off the clock?

8 So we've talked about the two Sundays and the few
9 demos that you did when you were brand new.

10 A Right. No.

11 Q So those are the only instances when you were
12 reporting to Mr. Stanton that you worked off the clock?

13 A Yes.

14 Q So now let's transition to the time that you're
15 reporting to Mr. Moore and let's include both when you're 03:53:32
16 informally reporting to him right when Mr. Stanton leaves
17 as well as when you are formally reporting to him.

18 A Right.

19 Q So we're now talking about -- and tell me if this
20 is fair.

21 We've sort of broken your employment now up into
22 two time periods. So we have from your hire to the end of
23 your reporting with Mr. Stanton and then we've got
24 basically from when that ends to your termination time.

25 A Right.

1 Q And we'll call that latter part when you were 03:53:49
2 reporting to Mr. Moore.

3 A Okay.

4 Q So when you were reporting to Mr. Moore we've
5 identified the stain huts project, we've identified some
6 Red Vest Ready training.

7 Are there other times when you were reporting to
8 Mr. Moore that you worked off the clock?

9 A Yes.

10 Q And what were those instances?

11 A The instances of the market walks. Preparing for
12 the market walks.

13 Q And specifically what preparation for the market
14 walk did you do off the clock?

15 A Just being in the store. Just double checking 03:53:50
16 everything that would be covered on the market walk as
17 best I could to make sure everything was ready for a
18 market walk and the store was -- you know, a checklist of
19 what we would cover on the market walk. Make sure
20 everything was in good shape.

21 Q And so that time that you're in the store you're
22 not logged into the system. Is that your testimony?

23 A Well it got to a point where I -- yeah. Without
24 working some overtime I ended up working off the clock
25 some hours getting ready for the market walks.

1 Q And did you do that for each of the four market 03:54:26
2 walks that you had under Mr. Moore?

3 A Yes. Yes.

4 Q And approximately how much time did you spend off
5 the clock?

6 A That's hard to say. I don't -- I couldn't -- I'd
7 have to -- it would be hard to calculate exactly how much
8 time on each one but probably five or six hours per market
9 walk I would say combined with the other stores. Some
10 extra time.

11 Q So five or six hours per market walk in total is
12 the time that you worked at the prepping that was off the
13 clock?

14 A Right.

15 Q And that -- 03:55:13

16 A No. Not on all. About five or six hours per
17 market walk. Total for each market walk.

18 Q So let's see if we can (inaudible).

19 So if in a market walk -- so let's just take your
20 March market walk.

21 A Okay.

22 Q Right?

23 A Right.

24 Q So in preparation for your March market walk you
25 believe that you worked approximately five to six hours

1 off the clock preparing for that market walk. 03:55:16

2 A Yes. Yes.

3 Q And then you believe you worked another five to
4 six hours preparing for the April market walk.

5 A Yes.

6 Q And then again for the July?

7 A Yes.

8 Q And then again for the August?

9 A Yes.

10 Q Did you ever tell anyone at PPG that you had done
11 that preparation work for the market walks off the clock?

12 A No.

13 Q Did you ever tell anyone at PPG that you had done
14 work related to the Red Vest Ready training off the clock?

15 A Yes. 03:55:47

16 Q Who did you tell that you had done work related
17 to the Red Vest Ready training off the clock?

18 A Clarence. Clarence Moore.

19 Q And did you have one discussion with Mr. Moore,
20 multiple discussions?

21 A Probably a couple discussions with him about
22 market walk preparation.

23 Q Sorry. The question was with respect to your
24 Red Vest Ready training.

25 A Yes. I'm sorry. I'm sorry. I'm sorry. Red

1 your personal goals. 03:59:52

2 This is a huge responsibility when you're the
3 host vendor because it's Lowe's training for the Lowe's
4 people but you work with your competitors too. The
5 Sherwin Williams company and the Valspar company. It's
6 coordinated with them but as a host vendor you're in
7 charge of all the timing and working with the HR
8 departments to make sure you have a full class.

9 And so when I did it I had no idea it was going
10 to be that involved. So I remember -- I remember, you
11 know, working because it's happening on this day and
12 everything has to be done and complete so --

13 Q And did you request to have overtime approved so
14 that you could --

15 A No. 04:02:05

16 Q -- remain clocked in?

17 A No. No.

18 Q And why didn't you request to have overtime?

19 A Because I -- I just -- I knew that it probably
20 wouldn't be approved or it wouldn't be -- you know, maybe
21 I'm not as efficient as some of the other territory
22 managers that had organized these events but -- so I
23 didn't request overtime pay.

24 I'm just telling you today that, you know, I put
25 in the time. Whatever it took to get it done.

Page 195

1 Q And when you say you didn't think it would be 04:02:11
2 approved -- I mean you've never had a request for overtime
3 not approved.

4 A No. That's right.

5 Q And you were never disciplined for working more
6 than five hours of overtime?

7 A No.

8 Q And there was actually some times where you
9 worked more than 45 hours in the week.

10 A Yes.

11 Q And if you recorded more than 45 hours in the
12 week you would be paid for that time?

13 A There was a few times I worked, you know, over --
14 over a little bit -- and I didn't ask for permission. I
15 just submitted it. 04:03:21

16 Q And you were paid that time. Correct?

17 A Yes.

18 Q And were you disciplined for submitting time in
19 excess of 45 hours?

20 A No.

21 Q Approximately how much time do you estimate you
22 worked off the clock in connection with all of the
23 Red Vest Ready training that you did?

24 A I don't know. Probably 20 hours.

25 Q And that would be 20 hours cumulative for all of

1 the training? 04:05:33

2 A Yes. But not just for one Red Vest Ready
3 training. It's multiple Red Vest Ready trainings that I
4 helped out with too.

5 Like other territory managers -- typically you
6 team up for the event. There's more than one territory
7 manager. So they would be doing some tasks, I would be
8 doing some tasks and then you kind of make it happen by
9 teaming up and sharing the responsibilities and some of
10 that would be traveling. Meaning traveling -- like for
11 me going to Escondido. To drive down to Escondido to
12 help somebody out. It's only one day but the few days
13 before it's pretty intense. You know, getting ready for
14 it so --

15 Q And so all of what you have just described -- 04:05:33
16 that's all included in that 20 hour estimate?

17 A Yes.

18 Q Okay.

19 A For the Red Vest Ready training. Yes.

20 Q So we've talked about during the time that you
21 were reporting to Mr. Moore the instances where you would
22 have worked off the clock would be the stain huts, the
23 Red Vest Ready training and the market walk preps.

24 A Yes.

25 Q Are there any other instances when you were

1 reporting to Mr. Moore that you worked off the clock? 04:06:55

2 A The only thing I can think of -- we had Pro
3 events that we were responsible for. They're called Pro
4 events and they're normally -- it's like a home
5 improvement trade show kind of thing where all the vendors
6 had tables and it's a weekend event. Like it's around
7 Memorial Day, Labor Day or some big event and then we
8 would have a table with product and doing demos and
9 preparing for that -- sometimes it would take extra time
10 too to get ready for that.

11 Q Now the Pro event itself you would have been
12 logged into the Lowe's system.

13 A Yes. Yes. For the most part I mean but, you
14 know, it seemed like I'd always end up working some extra
15 hours at a Pro event too. 04:08:55

16 Q How many Pro events did you do?

17 A In a year's time we probably did six. Six Pro
18 events probably.

19 Q Okay.

20 A I mean you couldn't attend -- every store would
21 have a Pro event and sometime they would overlap so you
22 weren't -- you weren't working -- you couldn't say yes to
23 every Pro event.

24 Out of the 11 stores I had I had to pick and
25 choose which ones I would go to because they liked having

1 their vendors there to -- you know, we'd hand out T-shirts 04:11:03
2 or hats or something and demo our product for the
3 construction people market and it was an all day thing so
4 you couldn't do two stores in one day.

5 So you had to prepare for that too. That
6 could -- you could accumulate some time preparing and then
7 cleaning up and at the end of the day after all the dust
8 settles it could be some extra time. Some extra work too.

9 Q So if you had a Pro event at store A --

10 A Right.

11 Q -- you would log in to store A when you arrived.

12 A Yes.

13 Q And then you would log out of store A when you
14 left the Pro event?

15 A Yes.

04:12:40

16 Q So what is the off-the-clock time associated with
17 the Pro events that you're talking about?

18 A Just behind the scenes things. Getting -- making
19 displays or when you do a demo sometimes you would make
20 some demos ahead of time. I might do that at home in my
21 garage or something or at the customer but sometimes it
22 would turn into extra hours of work.

23 Q And like those kinds of things -- preparing
24 demos -- was that supposed to fall under your admin time
25 or your kind of store time?

1 A Yes. Yes. 04:14:21

2 Q So you're saying that in addition to the time
3 that you were at the store logged into the store system
4 you estimate an additional two to three hours preparing?

5 A Depending if I was running errands picking up
6 things for the event prior to the event and this is going
7 to sound kind of corny but like if I was getting balloons
8 or snacks or whatever I'd be just picking up and that
9 wasn't something that I accounted the time for. I just
10 did it.

11 Q Okay.

12 A But I felt -- you know, I felt like I had to do
13 it because I mean I wanted it to be a positive event.

14 Q Did anyone ever tell you that you could not
15 record that time? 04:14:21

16 A No. No.

17 Q Did you ever tell Mr. Moore that you had worked
18 time associated with Pro events that you had not recorded?

19 A I don't think so. I don't think I discussed
20 that. I don't think I discussed that with Clarence.

21 You know, if he showed up at one of my Pro events
22 we might talk a little bit about it but depending on --

23 No. I can't recall that I told him about it.

24 Q Now you understood that working off the clock was
25 prohibited under PPG policy.

1 A Yes. 04:14:25

2 Q Right?

3 And that you could be disciplined for working off
4 the clock.

5 A Yes. Yes. Yes.

6 Q So would you have admitted then to Mr. Moore that
7 you worked off the clock?

8 A I told him. On the stain huts I told him. You
9 know, I mean I'm not a contractor. I mean I'm not a
10 carpenter by any means and building those stain huts and
11 assembling them and painting them -- that's not my
12 expertise at all and it just took me a -- you know, to hit
13 the deadline and to build all these things -- it was
14 just -- and I wasn't bashful about telling him because I
15 told him I rented a truck but about what was involved with 04:14:25
16 that so --

17 Q So you were okay telling -- you were comfortable
18 telling Mr. Moore that you had worked off the clock even
19 though you knew that it was against PPG policy?

20 A Well I didn't know how serious it was working off
21 the clock against PPG policy but I did tell him I put in
22 some extra time doing it.

23 Q And you were clear to him that that extra time
24 was off the clock? Unrecorded time.

25 A Yes.

1 And when Jeremy came out here to help me with my 04:15:06
2 Red Vest Ready training -- again everything has to be
3 done. It's not optional what has to be done and it
4 was -- so those are the two guys that I know definitely.
5 Yeah.

6 Q Did you ever report -- well let me ask you this.

7 So we talked about the two compliance reports --
8 I'm sorry -- the two complaints that you submitted to the
9 third party complaint organization.

10 Are those the only two complaints that you
11 submitted?

12 A Yes.

13 Q Did you ever -- aside from discussions that you
14 had with Mr. Moore did you tell anybody else at PPG that
15 you were working off the clock? 04:15:44

16 A No.

17 Q You had a company car. Correct?

18 A Yes.

19 Q And you had a company phone as well?

20 A Yes.

21 Q It was an iPhone. Correct?

22 A Yes.

23 Q And your company phone -- it also operated as a
24 hot spot.

25 A Hot spot?

1 Q Do you know what that means? 04:16:34

2 A No.

3 Q So you could -- if you needed to access the
4 Internet from your tablet -- right -- you could get on the
5 Internet through your phone?

6 It was a hot spot and it would send out a
7 wireless signal. Is that right?

8 A Yes.

9 Q And was that always the case?

10 So during your entire employment with PPG did you
11 always have a phone that sent out a wireless Internet
12 signal?

13 A I think so. Always? Yes. I would think so.

14 Q So if you needed to get on the Internet at home
15 or while you were out working with a customer -- at any 04:17:14
16 point in time you could always use your phone. Correct?

17 A Yes.

18 Q Now in this lawsuit you have made a claim for
19 unpaid business expenses related to the use of the
20 Internet.

21 A Uh-huh.

22 Q Do you understand that?

23 A Yes.

24 Q And is that your home Internet that you're
25 talking about?

1 A Yes. 04:17:46

2 Q Now when you were at home -- sorry.

3 Were you required to have home Internet?

4 A I don't know. I don't think so. I'm not sure.

5 No. Was I required to have Internet at home? No.

6 By PPG? Not that I know. Not any policy that

7 I'm aware of.

8 Q What have you done since your termination with

9 PPG to find new employment?

10 A I -- well obviously I updated my resume. I had

11 some contacts with other paint suppliers that I knew.

12 People that worked for or knew somebody that worked at

13 certain companies that I contacted.

14 Q Do you recall who you contacted?

15 A For one Jim Deterick. I mean I can give you a 04:18:50

16 list. A list of people that I've contacted that I worked

17 for when I worked for Sherwin Williams that I knew and

18 they're life-long friends that have contacts within the

19 business.

20 Q I mean do you have a record of who you contacted?

21 A A record? I don't know.

22 Q Do you have notes at home that reflect "I

23 contacted person A on this date"?

24 A Probably. I probably have some notes of people I

25 contacted. Yes.

1 advised. 04:49:11

2 Q Any other symptoms of emotional distress?

3 A Just the weight gain. You know, that was -- the
4 physical part of that has been -- that's my answer.

5 Q Anything else?

6 A No.

7 MS. COGBILL: I am I think near the end so let's
8 go ahead and just take a break. I'll take a look at my
9 notes and stuff and then we'll come back on the record.

10 THE WITNESS: Okay.

11 THE VIDEOGRAPHER: We're going off the record at
12 4:50 p.m. This is the end of media 5.

13 (Recess.)

14 THE VIDEOGRAPHER: We're on the record at
15 5:04 p.m. This is the beginning of media 6 in the 04:49:12
16 deposition of Wallen Lawson.

17 BY MS. COGBILL:

18 Q Thank you, Mr. Lawson. I'll remind you that you
19 are under oath.

20 I just have a few questions for you and we're
21 going to just look at a couple documents and have you
22 authenticate them in a minute.

23 A Okay.

24 Q One of your allegations in this complaint -- in
25 this lawsuit -- is that you were terminated because you

1 had made the complaints regarding the mistinting. Is that 04:49:57
2 correct?

3 A A hundred percent. Yes. Yes.

4 Q What is your basis or belief for that allegation?

5 A What is my basis or belief for that?

6 Q Yeah. What makes you believe that your
7 termination was because of the complaints?

8 A Because there's no -- it's clear in my mind -- it
9 could not be clearer -- that that morning of the 18th when
10 Clarence Moore asked the territory managers -- 17
11 managers -- territory managers -- to purposely mismix
12 paint and he knew what he was doing -- he asked us to do
13 something illegal, unethical and my allegation is that he
14 left me no choice but to submit an unethical business
15 practice claim. 04:50:22

16 And when I talked to Clarence I told Clarence too
17 about a John Dean story about Watergate and I told him
18 that John Dean just felt something wasn't right. And I
19 told Clarence I was not going to mismix paint. There's no
20 way I'm going to participate in this. And he was upset
21 and I told him the story about John Dean. He just knew
22 something was wrong and he refused to do it and he had to
23 share the truth. The truth mattered. And Clarence was
24 upset about that.

25 So I know bottom line, Karin, that he knew -- he

1 knew for a fact that it was wrong to do that and he did it 05:05:54
2 anyway and I wasn't going to participate in it. And so I
3 felt like as time passed he retaliated against me because
4 I wouldn't participate in the scheme that he decided to
5 ask us to participate in.

6 Q Now you just described a conversation that you
7 had with Mr. Moore.

8 A Yes.

9 Q Earlier today you testified to a conversation
10 that you had with Mr. Moore where you shared the story
11 about the postage.

12 A Yes. In conjunction with the postage story I
13 shared the John Dean story with him just so he got the
14 idea that this is wrong. This is not something you should
15 be doing -- 05:06:59

16 Q And --

17 A -- and I was shocked and then as -- he was very
18 upset and he was aggressive and I told him -- I said "I
19 don't agree with it" and then now we're here. I'm
20 terminated as a result and --

21 Q And that conversation that you've just described
22 which is the same conversation that you had talked about
23 earlier today with the postage --

24 A Yes.

25 Q -- I believe your testimony earlier was that that

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CERTIFICATE OF COURT REPORTER

FEDERAL JURAT

I, the undersigned, a Certified Shorthand Reporter for the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings prior to testifying were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof; that before completion of the deposition a review of the transcript was requested.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

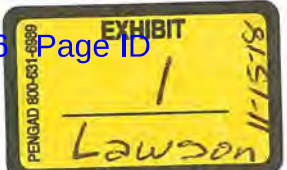
IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: December 10, 2018



Teri Lingenfelter

CSR No. 5369



2017 Market Walk Report

Date: 7/13/17		Sales Results										Actual Points	Available Points	Comments					
TM Name: Wallen Lawson		Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	COMMENTS					
		85.4%	102.4%	91.8%	100.3%	101.5%	111.9%	99.0%	88.5%	95.7%	89.0%	83.6%	93.7%	Rolling 12 through Q1					
Region to Goal																			
Nation to Goal																			
Sales Planning																			
Sales Call Summary Review: All Stores visited as specified by RSM		2: Yes or 0: No (Review data from last 4 weeks)										0	2	See Comments	In Review of last months call summary, one of your highest volume stores had been visited only 1 time. This is unacceptable. You are expected to visit your highest volume stores at minimum once a week.				
Meeting requirements for Saturday store visits as specified by RSM (previous & current qtr.)		2: Yes or 0: No (Review data from prior qtr.)										2	2	See Comments	Worked 11 Saturdays last quarter, 1 more than the required 10.				
COGNOS reports analyzed, individual store action plans developed, implemented, & impact evaluated (discussion lead by TM)		6: Proficient to 0: Not meeting expectations (Review data from prior qtr.)										6	6	See Comments					
TOTAL SALES PLANNING POINTS												10	8						
Sales Operations (MAP)																			
Current sales reports analyzed & Monthly Action Plan (MAP) updated & utilized during		5: Full usage to 0: Not meeting expectations										5	5	Y or N	Y or N	Y or N	Y or N		
National Objectives execution (previous month's data)		10: Proficient to 0: Not meeting expectations										10	5	Y or N	Y or N	Y or N	Y or N	2/11 on EUTE upsell story. MAP's stated that you were 100% on having a HOME side stack, but the 5 stores that we walked were 0%.	
Regional Objectives execution* (previous month's data)		0: Not meeting expectations										2	2	Y or N	Y or N	Y or N	Y or N		
Store Objectives execution (previous month's data)		3: Proficient to 0: Not meeting expectations										3	3	Y or N	Y or N	Y or N	Y or N		
TOTAL SALES OPERATIONS (MAP) POINTS												20	15						
Relationships																			
Monthly Store Manager/ASM Business Review: Success obtained as result (Observe 1 during market walk)		6: Proficient to 0: Not meeting expectations										6	0	Y or N	Y or N	Y or N	Y or N	When asked about your monthly management business review, you stated that you did it every once in a while. We need to share wins continuously with management and use opportunities to help us get more placement in the stores.	
Quarterly Market Director communication template review		1: Proficient or 0: Not meeting expectations										1	1	See Comments	See Comments	Market Director meetings are not just a talk in the aisle. They are meant for you to get something out of them. Then when you and MD agree upon your request, you send a recap to them of the meeting for confirmation. This is the only way that this meeting would be a valid meeting.			
Quarterly Market Director Meeting recap review		5: Proficient to 0: Not meeting expectations										5	0	See Comments	See Comments				
Monthly Meetings with TSI (Observe 1 during market walk)		3: Proficient to 0: Not meeting expectations										3	3	Y or N	Y or N	Y or N	Y or N		
TOTAL RELATIONSHIP POINTS												15	4						
Merchandising																			
Color Center full (cards/brochures), clean, & lights working/addressed, drawers organized, & backstock properly managed		1: Yes or 0: No										1	1	Y or N	Y or N	Y or N	Y or N	5 stores walked and not one store had the new stain brochures present.	
All current POS/Marketing Materials displayed		1: Yes or 0: No										1	0	Y or N	Y or N	Y or N	Y or N	We cannot work inventory, if we don't even know how to use Genesis. Your understanding of the Lowes system is vital to our success in store.	
Inventory issues addressed using current inventory worksheet w/selected items Reports or Item Look Up (Observe TM in process)		1: Yes or 0: No										1	0	Y or N	Y or N	Y or N	Y or N	Every store had atleast two of the 5 mandatory placements missing. We are down in LN and the mandatory 5 are proven to sell product. Get those in place before any other options out there.	
Liquid Nails cross merchandised in all directed locations w/accurately reported on LN Crossmerchandising Form		2: Yes to 0: No (2 points means all stores)										2	0	Y or N	Y or N	Y or N	Y or N	endcap in store number 3 still had assure on it. We don't have a lot of endcaps that get put in our responsibilities, so when we get them, you are expected to be 100%. In this case, we are very focused on ONE. That needed to be a priority.	
Corporate Endcap(s)/Drop Zone/Pads set by Assigned Declines		1: Yes or 0: No										3	0	Y or N	Y or N	Y or N	Y or N	1753 had no representation, with opportunity. And 773 had a little, Valspar had 80% with sw and us with about 10% each.	
1/3 representation inside paint desk/corral; Maintained on site. Attempted if not have; Ensure promotional stack outs are set on a timely basis with correct signage		1: Yes or 0: No (3 points means all stores)										1	1	Y or N	Y or N	Y or N	Y or N	Y or N	
Additional stack outs (paint/stain/Deck C) obtained & maintained		3: Yes to 0: No (3 points means all stores)										3	0	Y or N	Y or N	Y or N	Y or N	Y or N	Multiple stores with stack outs of the competitors and little representation by us. Plenty of product in top stock in most cases, we need to become more visible in all opportunities that we have.
Mandatory Demo Boards in each store, easily accessible, good shape, assoc. use		2: Yes to 0: No (2 points means all stores)										2	2	Y or N	Y or N	Y or N	Y or N	Y or N	LAWSON000112

2017 Market Walk Report

Date: 7/13/17	Available Points	Actual Points	Store 1	Store 2	Store 3	Store 4	Store 5	Store 6	Comments
TM Name: Wallen Lawson	15	4							
TOTAL MERCHANDISING POINTS									

LAWSON000113

2017 Market Walk Report

Date: 7/13/17	TM Name: Wallen Lawson	Available Points	Actual Points	Store 1	Store 2	Store 3	Store 4	Store 5	Store 6	Comments	
Training											
Review previous month's MAP Execution w/ Training roster for consistency, evaluate employee retention in store	5: Proficient to 0: Not meeting expectations	5	5	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
Current MAP Training Presentation observed - effectiveness & content	5: Proficient to 0: Not meeting expectations	5	5	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
Current MAP "Outside the Paint Department" Training observed - effectiveness & content - PSI, Pro Sales	4: Proficient to 0: Not meeting expectations	4	4	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
GAP Training Identified & New Hire Training observed - effectiveness & content	5: Proficient to 0: Not meeting expectations	5	5	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
Training Roster updated every visit, current employees, & expored to RM by the 1st of each month	4: Proficient to 0: Not meeting expectations	4	0	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Training roster was missing 2 associates in the paint department in 758. We cannot get a reading of training completion if all associates are not present. Please make sure to ask associates at the end of all shifts if the roster is still the same.	
Selling Skills observed for effectiveness & conversion (consumer)	2: Proficient to 0: Not meeting expectations	2	2	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
TOTAL TRAINING POINTS		25	21								
Pro Sales											
Contact Sheet & Sales Tools Available at Pro Desk (Fan Decks, Pro Folders, etc.)	1: Yes or 0: No	1	1	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
Regional Pro Contacts organizational system utilized and updated	1: Yes or 0: No	1	0	See Comments							
Observe "Elevator Speech" / Training at Pro Desk for Effectiveness	3: Proficient to 0: Not meeting expectations	3	3	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
Observe lead/job discussion at Pro Desk/Paint Dept.	3: Proficient to 0: Not meeting expectations	3	3	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
Observe "Elevator Speech" / Training with PSI and/or PSE for Effectiveness	2: Proficient to 0: Not meeting expectations	2	2	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N		
TOTAL PRO SALES POINTS		10	9								
Administrative Duties											
All deadlines proactively met and online training completed by assigned deadlines	2: Yes to 0: No	2	2	See Comments							
Admin Time managed to < 4-5 hours/week	1: Yes or 0: No	1	1	See Comments							
Comprehensive market updates provided during monthly communication w/RM (Best Practices, 1 on 1 calls, etc.)	2: Yes to 0: No	2	2	See Comments							
Force Outs (review past 90 days)	Loose 5 points if have more than 1/qtr	-5		See Comments							
TOTAL ADMINISTRATIVE DUTIES POINTS		5	5								
Safety											
Completes All Assigned Safety Courses by Assigned Deadline(s)				See Comments							
Has All Safety Equipment During Market Walk	Deduct 5 Points if any not being done/or incurred preventable safety incident	-5		See Comments							
PPG & Lowes Safety Guideline Adherence				See Comments							
Incurred Preventable Safety Incident(s)		-5	0	See Comments							
TOTAL SAFETY POINTS		-5	0								
Bonus Points											
Regional Manager Discretion	i.e. Open territory coverage, Lead regional project, Large Pro success, etc.	Up to 5 points		See Comments							
TOTAL BONUS POINTS		0	0								
TOTAL MARKET WALK POINTS											
		100	66								
2017 MARKET WALK RECAP											
		Q1 Score	Q2 Score	Q3 Score	Q4 Score	ADDITIONAL MARKET WALKS					

LAWSON000114

2017 Market Walk Report

Date: 7/13/17 TM Name: Wallen Lawson	Available Points	Actual Points	Store 1	Store 2	Store 3	Store 4	Store 5	Store 6	Comments
Exceptional 90-100									
Excels 80-90									
Successful 70-80									
Marginal 60-70 (Coaching & 60 day follow up required)									
Unsuccessful Below 60 (Coaching & 30 day follow up required)									
AREAS OF OPPORTUNITY/FOLLOW UP:									
STORE 1 MARKET WALK NOTES:									
STORE 2 MARKET WALK NOTES:									
STORE 3 MARKET WALK NOTES:									
STORE 4 MARKET WALK NOTES:									
STORE 5 MARKET WALK NOTES:									
STORE 6 MARKET WALK NOTES:									
2016 PLP Discussion			Q1/Q2		Q3/Q4		Comments		
			Date:		Date:				

LAWSON000115

RM Market Walk Checklist	
PREP	
Sales Review and Store Visit Planning: Have TM send you most recent Cognos Report	
Review 12 Month Sales Performance to Goal & Update Market Walk	
Compare "Sales Call Summary" to Cognos Report	
Compare "Sales Call Summary" to current Training Roster. Look for inconsistencies and strengths	
Review Market Director Communications and Previous Meetings	
Complete: Administrative Duties section on Market Walk Report	
Identify if annual Safety Ride Along is needed	
Review Admin Hours & Saturdays Worked	
Pre Meeting: 1-2hrs - Offsite	
Review Current Sales: Identify any opportunities	
Review Previous Market Walk	
Review Sales vs. Call Summary	
Review Training Roster vs. Sales and any limitations or inconsistencies	
Review Current MAP	
Review Pro Leads	
Review Safety Performance	
Set expectations for what you are looking for in the walk. 4 Observations	
The Walk: 3-4 Stores	
DAY 1: Identify Observation Opportunities	
Observe: 1.Meeting w/ ASM or Store Manager	
Observe: 2.Training - In Aisle	
Observe: 3.Training - Hands On from current MAP goals	
Observe: 4.Training - Outside the paint Dept. PSI, Pro Sales, etc.	
Observe if training roster is being used after trainings	
DAY 2: Identify any additional observation needs	
Merchandising Review- Standard: Color Center, Lights, Stain Displays, Product Behind Desk	
Merchandising Review- Special: Current Stack outs, End caps, LN Locations, Planogram integrity	
Training Roster: Test associates for Product knowledge & Verify list vs. current staff	
Post Walk Review: Offsite	
Review Sales opportunities	
Review specific Training Strengths and Opportunities	
Review Strengths & Opportunities	
Review Safety performance	
Set expectations for follow up if needed	
Email MW to TM & post on The Drop/Export Access version	

2017 Market Walk Report

Date: 8/17/17 TM Name: Wallen Lawson		Available Points	Actual Points	Store 1	Store 2	Store 3	Store 4	Store 5	Store 6	Comments
Sales Results										
TM to Goal	100.3%	101.5%	111.9%	2605	758	1900	1900	1900	1900	
Region to Goal				99.0%	88.5%	95.7%	89.0%	83.6%	93.7%	
Nation to Goal										
Sales Planning										
Sales Call Summary Review: All Stores visited as specified by RSM	2	0								Second highest store in volume, a few gallons away from first, is Hawthorne. This store has been visited one time from 7/01-8/12, expectation in last market walk was given for these stores to be visited at minimum once a week. SINCE LAST WALK 7/13 STORE VISITED TWICE(SAME DAY) AND
Meeting requirements for Saturday store visits as specified by RSM (previous)	2	2								
COGNOS reports analyzed, individual store action plans developed, implemented, & impact evaluated (discussion lead by TM)	6	6								Store rankings and some statistical information was known on the territory, but there is no individual action plans being established for the struggling stores.
TOTAL SALES PLANNING POINTS	10	8								
Sales Operations (MAP)										
Current sales reports analyzed & Monthly Action Plan (MAP) updated & utilized during store calls	5	0								The MAP items are not being done. Wally has visited 2605 twice, 758 twice and 1900 once prior to this walk and not one national or regional objective has been completed.
National Objectives execution (previous month's data)	10	0								ELITE upsell store needed to train 2 people per store in July, didn't train any. ONE ext in aisle to be complete with a sidestack of HOME in pro in July and we needed to have 50% completed.
Regional Objectives execution (previous month's data)	2	0								Not setting any real objectives for stores individually. Some objectives that were being created last month are items that are already on the DAP.
Store Objectives execution (previous month's data)	3	0								
TOTAL SALES OPERATIONS (MAP) POINTS	20	0								
Relationships										
Monthly Store Manager/ASM Business Review: Success obtained as result (Observe 1 during market walk)	6	0								Still don't know all management. When we observed a conversation with Nick in store 1900, this was TM's first time meeting him.
Quarterly Market Director communication template review	1	1								
Quarterly Market Director Meeting (rcslp) review	5	0								Has yet to obtain an official meeting with MD.
Monthly Meetings with PSI (Observe 1 during market walk)	3	3								
TOTAL RELATIONSHIP POINTS	15	4								
Merchandising										
Color Center full (cards/brochures), clean, & lights working/addressed, drawers organized, & backstock properly managed	1	1								
All current POS/Marketing Materials displayed	1	1								
Inventory issues addressed using current Inventory Worksheet w/Selected Items Reports or Item Look Up (Observe TM in process)	1	1								
Liquid Nails cross merchandised in all directed locations w/accurately reported on LN Crossmerchandising Form (Observe 2 in process)	2	0								Liquid Nails form has not yet even been filled out. How can we track sales of products when we are not even tracking the locations and sales rate?
Corporate Endcaps/Drop Zone/PODs Set by Assigned Deadlines	1	0								ONE and ELITE endcaps have not been started. When asked if he has talked to PSA's about these endcaps, it was stated that he has not.
1/2 representation inside paint desk/corral. Maintained on site. Attempted if not have timely basis with correct signing	3	3								
Ensure promotional stack outs are set on a timely basis with correct signing	1	0								
Additional stack outs (paint/stain/Deck C) obtained & maintained	3	0								1900 had 6 competitor stack outs around paint desk and we didn't have one. Still a lot of opportunity for representation.
Mandatory Demo Boards in each store, easily accessible, good shape, assoc. use	2	2								
TOTAL MERCHANDISING POINTS	15	8								



2017 Market Walk Report

Date: 8/17/17	TM Name: Wallen Lawson	Available Points	Actual Points	Store 1	Store 2	Store 3	Store 4	Store 5	Store 6	Comments
Training										
Review previous month's MAP Execution w/Training Roster for consistency, evaluate employee retention in store	5	0	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Store's 250 and 2605 said to have completed the HOMAX in aisle training on the Market Walk and TR does not reflect. Store's 250, 758, 1050, 1900, 2268 and 2605 were said to have had 2 people trained per store in ELITE in aisle training on MW and TR does not reflect.
Current MAP Training Presentation observed - effectiveness & content	5	5	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	
Current MAP "Outside the Paint Department" Training observed - effectiveness & content - PSE, Pro Sales	4	4	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	
GAP Training Identified & New Hire Training observed - effectiveness & content	5	5	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	
Training Roster updated every visit, current employees, & exported to RM by the 1st of each month	4	0	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Store 1900 does not show Jonathan in the Pro department. 758 does not show Rhonda(15 year veteran) or Derrick in Pro. On 6/21 TM was in store 250 and 2268, TR shows training for associates Nicki from store 773 and JK from store 769. On 6/22 TM was in stores 1050 and 1900, TR shows training for Alex from store 773. On 5/11 TM was in stores 250 and 2268, TR shows training on Nicki from store 773. You said you trained Alex from store 773 on 6/14 on 9 different items and TMS shows that you were not even in that store.
Selling Skills observed for effectiveness & conversion (consumer)	2	2	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	
TOTAL TRAINING POINTS	25	16								
Pro Sales										
Contact Sheet & Sales Tools Available at Pro Desk (Fan Decks, Pro Folders, etc.)	1	1	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	
Regional Pro Contacts organizational system utilized and updated	1	0		See Comments						No pro business happening or being tracked and still stores where pro associates are not familiar with who TM is. Rhonda and Derrick in 758 or Joe from 1900 knew Wally.
Observe "Elevator Speech" Training at Pro Desk for Effectiveness	3	3	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	
Observe lead/job discussion at Pro Desk/Point Dept.	3	3	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	
Observe "Elevator Speech" Training with PSE and/or PSE for Effectiveness	2	2	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	
TOTAL PRO SALES POINTS	10	9								
Administrative Duties										
All deadlines proactively met and online training completed by assigned deadlines	2	2		See Comments						
Admin Time managed to <4.5 hours/week	1	1		See Comments						
Comprehensive market updates provided during monthly communication w/RM (Best Practices, 1 on 1 calls, etc.)	2	2		See Comments						
Force Outs (review past 90 days)	-5	-5		See Comments						Force out July 13th out of Rancho Santa Margarita.
TOTAL ADMINISTRATIVE DUTIES POINTS	5	0								
Safety										
Completes All Assigned Safety Courses by Assigned Deadline(s)				See Comments						
Has All Safety Equipment During Market Walk				See Comments						
Deduct 5 Points if any not being done/or incurred preventable safety incident	-5	-5		See Comments						In store 1900 today while attempting to reach something in top stock, Wally pulled out a 5 gallon bucket to stand on it. He proceeded to do so and RSM immediately asked him to step down. Wally arrived drove into the parking lot of my hotel for the recap of the market walk and was on the phone while driving.
TOTAL SAFETY POINTS	-5	-5								
Bonus Points										
Regional Manager Discretion (i.e. Open territory coverage, Lead regional project, Large Pro success, etc.)	Up to 5 points	0		See Comments						
TOTAL BONUS POINTS										
TOTAL MARKET WALK POINTS	100	40		Q2 Score	Q3 Score	Q4 Score	ADDITIONAL MARKET WALKS			
2017 MARKET WALK RECAP	Q1 Score									

2017 Market Walk Report

Date: 8/17/17 TM Name: Wallen Lawson	Available Points	Actual Points	Store 1	Store 2	Store 3	Store 4	Store 5	Store 6	Comments
Exceptional 90-100									
Excels 80-90									
Successful 70-80									
Marginal 60-70 (Coaching & 60 day follow up required)									
Unsuccessful Below 60 (Coaching & 30 day follow up required)									
AREAS OF OPPORTUNITY/FOLLOW UP:									
STORE 1 MARKET WALK NOTES:									
STORE 2 MARKET WALK NOTES:									
STORE 3 MARKET WALK NOTES:									
STORE 4 MARKET WALK NOTES:									
STORE 5 MARKET WALK NOTES:									
STORE 6 MARKET WALK NOTES:									
2016 PLP Discussion									
			Q1/Q2	Date:				Q3/Q4	Date:
				Date:					Comments

RM Market Walk Checklist
PREP
Sales Review and Store Visit Planning: Have TM send you most recent Cognos Report
Review 12 Month Sales Performance to Goal & Update Market Walk
Compare "Sales Call Summary" to Cognos Report
Compare "Sales Call Summary" to current Training Roster. Look for inconsistencies and strengths
Review Market Director Communications and Previous Meetings
Complete: Administrative Duties section on Market Walk Report
Identify if annual Safety Ride Along is needed
Review Admin Hours & Saturdays Worked
<u>Pre Meeting: 1-2hrs - Offsite</u>
Review Current Sales: Identify any opportunities
Review Previous Market Walk
Review Sales vs. Call Summary
Review Training Roster vs. Sales and any limitations or inconsistencies
Review Current MAP
Review Pro Leads
Review Safety Performance
Set expectations for what you are looking for in the walk. 4 Observations
The Walk: 3-4 Stores
DAY 1: Identify Observation Opportunities
Observe: 1.Meeting w/ ASM or Store Manager
Observe: 2.Training - In Aisle
Observe: 3.Training - Hands On from current MAP goals
Observe: 4.Training - Outside the paint Dept. PSI, Pro Sales, etc.
Observe if training roster is being used after trainings
DAY 2: Identify any additional observation needs
Merchandising Review- Standard: Color Center, Lights, Stain Displays, Product Behind Desk
Merchandising Review- Special: Current Stack outs, End caps, LN Locations, Planogram integrity
Training Roster: Test associates for Product knowledge & Verify list vs. current staff
<u>Post Walk Review: Offsite</u>
Review Sales opportunities
Review specific Training Strengths and Opportunities
Review Strengths & Opportunities
Review Safety performance
Set expectations for follow up if needed
Email MW to TM & post on The Drop/Export Access version

Message

From: Lawson, Wallen [Lawson, Wallen]
Sent: 8/24/2017 1:34:56 PM
To: Moore, Clarence [clarence.moore@ppg.com]
Subject: RE: Market Walk Recap 8/17
Attachments: image001.png

'Hi Clarence:

I will take some time to review my Market Walk spreadsheet with all the listed opportunities that we discussed and get back to with my formal comments.

Many-Thanks'

-Wally

From: Moore, Clarence
Sent: Thursday, August 24, 2017 9:54 AM
To: Lawson, Wallen
Subject: Market Walk Recap 8/17

Wally,

Thank you again for walking me through a few of your stores. As we discussed during our recap, your score was Unsuccessful on your Market walk for Q3, a 40. I have attached the Market Walk spreadsheet with the listed opportunities that we talked about during the recap. Please reach out to me if you have any questions regarding the Market Walk outcome.

Thank you,

"Being Committed is so much more rewarding than being Compliant."

Clarence Moore
Regional Sales Manager
National Accounts Lowe's

(480) 737-6394
clarence.moore@ppg.com

PPG/Olympic
PHOENIX, ARIZONA
www.olympic.com
www.liquidnails.com



S266001

EXHIBIT B

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 A 250 West Fairview Avenue.

2 Q Um-hum.

3 A Glendale. I just moved there in
4 January, I apologize, I can't recall the ZIP Code.

5 Q That's okay.

6 So how long were you regional loss
7 prevention manager?

8 A That would have been approximately
9 seven and a half years.

10 Q Okay. Were you promoted?

11 A There was a reorganization within the
12 company. We worked -- when I originally came to
13 work for PPG it was within Architectural Coatings.

14 Q Um-hum.

15 A And approximately two and a half years
16 ago they -- we moved from Architectural Coatings
17 to work for Corporate Auto Services within PPG.
18 So same company, just a different area.

19 Q Okay. And in or around 2017, what was
20 your -- what was your job title?

21 A It would have been forensic audit and
22 loss prevention specialist.

23 Q When did you assume that job title?

24 A That would have been, I would believe,
25 the early part of -- latter part of 2016, early

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 A No, sir.

2 Q Did you ever have any discussions with
3 legal counsel?

4 A No, sir. Not that I recall. Now,
5 that is not highly unusual for me to do so, but I
6 don't recall, in this case, having any discussions
7 with legal.

8 Q What's your understanding of how it
9 was first -- let me ask you this, when did you
10 first become aware of Wally Lawson?

11 A When I received a list of the TSMs. I
12 had requested, from the HR department, a list of
13 the TSMs that reported to Clarence Moore --

14 Q Um-hum.

15 A -- in order to contact each. And I
16 believe -- I'm sorry, his name again?

17 Q Wally Lawson.

18 A Wally was on that list.

19 Q Okay, were you aware that Wally Lawson
20 had made an ethics complaint which gave rise to
21 your investigation?

22 A No, sir, not at all. I'm not provided
23 that information.

24 Q And why do you say you're not provided
25 that information?

NETWORK DEPOSITION SERVICES

Transcript of John Dalton

1 A Well, there are situations where I am,
2 and that would be when they contact the ethics
3 hotline that they state, this is my name and I
4 have this concern.

5 Q Um-hum.

6 A In this situation it was given
7 anonymously.

8 Q Okay, but you were aware, at the time
9 you were handed the investigation, that an
10 anonymous complaint had given rise to --

11 A From someone, yes, sir. It could have
12 been within -- it could have been one of the
13 reports of Clarence Moore, it could have been
14 somebody within the Lowe's organization, it could
15 have been somebody outside of PPG itself.

16 Q When you met with Clarence Moore did
17 you -- did you reveal to him that there was an
18 anonymous complaint that gave rise to the concerns
19 you wanted to address with him?

20 A No, sir, not at all. That's why, when
21 I framed my conversation with him, regarding the
22 mistints, was a review of expensed-out product.

23 Q Um-hum.

24 A So, no, sir, I never, at any time,
25 mentioned that -- that a complaint had come

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 through the ethics hotline.

2 Q And why was that? Why did you choose
3 not to do that?

4 A Because the individual who reported it
5 has to be anonymous. At that point it is my job
6 to assure that I can do that.

7 Q Okay. Were you aware that Wally
8 Lawson had vigorously objected, directly to
9 Clarence Moore, about mistinting the paint?

10 MR. SCHROEDER: Objection,
11 assumes facts.

12 THE WITNESS: No, sir, not
13 specifically. I can't recall the details of
14 every single interview I did with all 14
15 individuals. He may have told me at that
16 point, yes, he did, but I can't recall that.

17 BY MR. FOX:

18 Q Okay. Did you interview Wally Lawson?

19 A I believe so. There was 14 people on
20 that list.

21 Q Okay. Did -- when did -- did your
22 interview -- how did your interview with him take
23 place?

24 A With whom?

25 Q Wally Lawson.

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 Q And what does it consist of?

2 A It appears to be a screenshot from a
3 Convercent -- the Convercent website.

4 Q And what does Convercent refer to?

5 A That is the independent third-party
6 that receives and documents any ethics hotline
7 calls, that's who they go through.

8 Q Okay. And does this document confirm
9 that Wally Lawson made an ethics hotline call?

10 A I don't know, sir, I -- I don't ever
11 see this document. The document that I receive
12 would never say, Submitted By, up at the top.

13 Q Okay, what document would you -- would
14 you receive?

15 A It would be the Convercent
16 documentation. Everything looks fairly similar,
17 with the exception of the, up there in the contact
18 information heading, it would be listed as
19 anonymous. This document is not something that
20 would have been sent to me, nor was sent to me.

21 Q Okay. Is -- to the Description of the
22 Incident, that portion of the document, is that
23 something you would have received, on the first
24 page?

25 A All right, say again, please.

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 was -- I had heard that they were going to do a
2 survey. Whether they did that or not, I can't --
3 I don't know.

4 Q Okay. And you never saw the outcome
5 of that survey?

6 A No, sir. Not that I'm aware of.

7 Q Do you know who the individuals were
8 at Convercent that were involved in processing
9 this complaint?

10 A Not at all, sir.

11 Q Did you have any conversations with
12 anyone over there?

13 A Never in my career, no, sir.

14 MR. FOX: I'd like to mark this
15 as Plaintiff's Exhibit No. 2.

16 (Plaintiff's Exhibit No. 2 marked for
17 identification.)

18 BY MR. FOX:

19 Q I'd ask you if you can identify the
20 document.

21 A This appears to be information
22 provided by Convercent on an ethics hotline call.

23 Q Okay, would this have been the call
24 made by Wally Lawson?

25 A I have no idea.

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 MR. SCHROEDER: Objection to
2 foundation.

3 BY MR. FOX:

4 Q Have you seen this before today?

5 A I saw it yesterday, yes, sir.

6 Q Okay, before that?

7 A No, sir.

8 Q Were you aware that there was
9 litigation over the Rescue It paint?

10 A At what point?

11 Q Around 2017.

12 A That information may have been brought
13 forth to me as my investigation progressed, but,
14 no, sir, I would -- it's not information that
15 really would have been relevant to me at that
16 time. They don't call me about that.

17 Q Okay.

18 Was there any information that -- that
19 you would have liked to have had that you weren't
20 able to obtain during the course of your forensic
21 investigation?

22 A No, sir, I believe I had all the
23 information I needed to conduct the investigation.

24 MR. FOX: I'd like to mark this
25 as Plaintiff's Exhibit No. 3.

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 (Plaintiff's Exhibit No. 3 marked for
2 identification.)

3 BY MR. FOX:

4 Q Can you identify Exhibit No. 3?

5 A I have not read through it, but it
6 appears to be the summary written by me in regards
7 to the subject.

8 Q Okay. Does -- does this document
9 refresh your recollection as to what was
10 specifically discussed with Clarence Moore in
11 your meeting with him on July 6th, 2017?

12 A Yes, sir, it helps.

13 Q The first bullet point is, "Mr. Moore
14 admitted that his team discussed mistinting old
15 label Rescue It product that was approaching the
16 expiration date."

17 What do you recall him saying about
18 that?

19 A Exactly that, that they had discussed
20 it.

21 Q Okay. And it further states -- the
22 next bullet point is, "Mr. Moore acknowledged that
23 he was aware of the practice but did nothing to
24 stop the behaviors of his TMs."

25 Is that something he told you?

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 THE VIDEOGRAPHER: The time is
2 11:00 a.m., we are off the video record.

3 (Recess taken.)

4 THE VIDEOGRAPHER: The time is
5 11:04, we're now back on the video record.

6 MR. FOX: Okay, and we have Wally
7 Lawson participating in the deposition, he's
8 listening in by phone right now.

9 BY MR. FOX:

10 Q So, Mr. Dalton, the memo continues
11 that you wrote, outlining your conversation with
12 Clarence Moore.

13 It states that, "Moore was instructed
14 at that time to inform his team that the practice
15 was to cease immediately. Moore has provided a
16 statement regarding his actions."

17 Who instructed Moore that his team was
18 to cease the practice immediately?

19 MR. SCHROEDER: Objection,
20 foundation.

21 THE WITNESS: I did.

22 BY MR. FOX:

23 Q Okay. And then it's further stated,
24 Dalton then interviewed all of Moore's direct
25 reports -- report TSMs via phone, resulting in the

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 information below.

2 The first bullet point is, "All 14
3 stated that Moore directed them to mistint Rescue
4 It during Tuesday conference calls as well as
5 reaffirming his instructions during market walks."

6 Is that correct?

7 A Yes, sir.

8 Q Further, "All 14 indicated that
9 discussions continued during several Tuesday
10 conference calls regarding the idea to
11 intentionally mistint Rescue It (old label)
12 product. (Occurred in April, May, June time
13 frame.)"

14 Was that correct?

15 A Yes, sir.

16 Q The next bullet point, "Three TMs had
17 admitted that they carried out the objective to
18 mistint Rescue It, but later stopped when they
19 realized it was not the right thing to do."

20 Is that correct?

21 A That is correct.

22 Q Do you know who those TMs were that
23 admitted to mistinting?

24 A Specifically, no, I don't recall their
25 names at this time, no, sir.

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 Q Okay. And the next bullet point is,
2 Eleven indicated they did not action the request
3 but said they heard from other TMs that -- heard
4 that other TMs actually did it, even bragged about
5 it during the calls.

6 Was that correct?

7 A Yes, sir.

8 Q Next bullet point, "TM Laura Sanchez
9 was noted by several other TMs that she expressed
10 strongly during the conference calls that she did
11 not agree with the idea and would not
12 participate."

13 Was that correct?

14 A Yes, sir.

15 Q Did you speak with Laura Sanchez about
16 that?

17 A Yes, I did.

18 Q Next bullet point, "Note: Dalton was
19 unable to substantiate a reliable number to
20 determine the scope of the problem as reported.
21 The earlier estimate of 70, 80 units was
22 Mr. Moore's estimate only."

23 Was that correct?

24 A Yes, sir.

25 Q Okay, so you didn't have no idea of

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 the extent of the number of mistints, correct?

2 A No, sir.

3 Q The next bullet point is, "All TMs
4 stated that they had been instructed to cease this
5 practice as of July 7, 2017."

6 Is that correct?

7 A Yes, sir.

8 Q Then the memo further states, as
9 follows, "Dalton interviewed Moore's direct report
10 (sic) Sean Kacsir regarding the above."

11 How did you -- is that correct, you
12 interviewed Sean Kacsir?

13 A Yes, but he is Moore's supervisor, not
14 his direct report.

15 Q I'm sorry, direct supervisor, I meant
16 to say. That's what the memo says.

17 When did you meet with him?

18 A It would have been after the -- after
19 the interview with Moore and -- I cannot recall if
20 it was prior to speaking with the TSMs or
21 afterwards. But it was a phone conversation.

22 Q Okay, did you view him to be a person
23 of interest?

24 A Again, it's an open investigation at
25 that time, I was -- wanted to see if instruction

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 had been given by him to Moore to do the actions
2 that had occurred. So at the conclusion of that
3 interview I did not feel that he had.

4 Q Why did you feel that way?

5 A Just in -- in the conversation, I
6 didn't -- Moore had stated to me that Kacsir had
7 not, and as well as Kacsir stated to me that he
8 had not, he told me he had not.

9 Q Okay. Well, Moore had also told you
10 that he had not directly -- he had not directed
11 the TMs to mistint the paint, correct?

12 A Yes, sir.

13 Q And he wasn't telling the truth?

14 A Obviously not.

15 Q How could you tell that Sean Kacsir
16 was telling the truth about the extent of his
17 involvement?

18 A I just asked him. I had to take his
19 answer. I had no other information to provide
20 that dis -- you know, that disreputed that.

21 Q Okay. So you took his word for it?

22 A I asked him the question, he answered
23 it.

24 Q Okay. Let me continue to read your
25 memo.

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 so -- had been done so in conjunction and with the
2 approval of Lowe's management.

3 Q Okay. Did you talk to Lowe's --
4 anyone in Lowe's management, to confirm that?

5 A No, sir, I did not.

6 MR. FOX: I'd like to mark this
7 as Plaintiff's Exhibit No. 4.

8 (Plaintiff's Exhibit No. 4 marked for
9 identification.)

10 BY MR. FOX:

11 Q Can you identify Exhibit No. 4?

12 A It appears to be an e-mail from David
13 Duffy to myself.

14 Q Okay. And the e-mail states, Ian,
15 Good afternoon. I hope all is well in Lake
16 Charles -- were you in Lake Charles at the time?

17 A I would assume so.

18 Q Okay. It further said, I sent over
19 the information I had on the concern in the USCA
20 Home Centers, Lowe's issue. I am still waiting to
21 hear back from Michele Minda on Clarence's
22 schedule next week. Michele will try to have this
23 later back.

24 We can discuss on Friday or Wednesday,
25 your convenience.

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 Bottom line, we need to interview
2 Regional Sales Manager Clarence Moore regarding
3 instructions to purposefully mistint the Rescue It
4 product to move the generation one (old label)
5 product off the shelves. As you can see the
6 reported did call us back and provided the
7 information below.

8 And then there's -- the second -- the
9 lower portion of the page appears to be
10 information relayed by the reporter, correct?

11 A I would need to read it. Give me a
12 moment, please.

13 Q Sure.

14 (Thereupon, the witness reviewed the
15 exhibit.)

16 THE WITNESS: Okay.

17 BY MR. FOX:

18 Q Okay. And the information in the
19 lower half of the page is information supplied by
20 Wally Lawson; is that correct?

21 MR. SCHROEDER: Object to form.

22 THE WITNESS: I have no idea,
23 sir.

24 BY MR. FOX:

25 Q Well, you later learned that Wally

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 Lawson was the reporter, correct?

2 A Not until these proceedings.

3 Q Okay.

4 A That's the first I heard that Wally
5 Lawson brought forth these allegations.

6 Q Okay. Did you -- did anyone tell you
7 that Clarence Moore terminated Wally Lawson?

8 A No, sir.

9 Q He terminated him after Wally Lawson
10 had reported his unethical misdeeds to the
11 company?

12 MR. SCHROEDER: Objection, he
13 just answered that.

14 THE WITNESS: I have no idea -- I
15 had no idea that Mr. Lawson was terminated
16 until these proceedings began.

17 MR. FOX: Okay.

18 BY MR. FOX:

19 Q Did you ever -- well, let me ask you
20 this, as part of the scope of your investigative
21 or forensic investigations, did you ever
22 investigate any -- any activity involving
23 retaliation?

24 A I have at times, yes, sir.

25 Q Okay, what types of retaliation claims

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 A I didn't agree or disagree with
2 Mr. Duffy's statement, I was in the process of
3 conducting an investigation.

4 Q Okay. Did Dave Duffy otherwise
5 express his views to you about Clarence Moore?

6 A Not that I recall.

7 Q Is it fair to say he had a pretty
8 negative view of Clarence Moore?

9 A Say again, please.

10 Q Is it fair to say he had a negative
11 view of Clarence Moore?

12 A I can't -- you would have to ask
13 Mr. Duffy if he had a negative view of him.

14 MR. FOX: Okay, let's mark this
15 as Plaintiff's Exhibit No. 6.

16 (Plaintiff's Exhibit No. 6 marked for
17 identification.)

18 BY MR. FOX:

19 Q Okay, Plaintiff's Exhibit 6 appears to
20 be a text message, the first line of which states,
21 Wallen, and then it states, in sum and substance,
22 Effective immediately please do not mistint Rescue
23 It product anymore.

24 Have you seen this document before?

25 A No, sir.

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 Q Okay, did you understand that Clarence
2 Moore had instructed his territory managers not to
3 mistint the Rescue It product anymore on or about
4 July 6th, 2017?

5 A I instructed Mr. Moore on the 6th --

6 Q Okay.

7 A -- to do that. I believe I was made
8 aware the following day.

9 Q Okay.

10 A The 7th.

11 Q Okay, he was acting on your
12 instruction, then, in sending this text?

13 A Yes, sir.

14 MR. FOX: Let's mark this as
15 Plaintiff's Exhibit 7.

16 (Plaintiff's Exhibit No. 7 marked for
17 identification.)

18 BY MR. FOX:

19 Q Okay, this is apparently a
20 continuation of the earlier e-mail we looked at in
21 the earlier exhibit.

22 But I just want to direct your
23 attention to the first portion of it, the first
24 e-mail at the top of the first page, from Dave
25 Duffy, to yourself, saying, Good morning, thanks

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 for the update. We have a message posted to the
2 caller, but have not heard anything in reply.
3 We'll keep you posted on our end if he responds.

4 Do you know what that referred to?

5 A No, sir, I don't.

6 Q Do you think that was referring to
7 Wally Lawson?

8 A I have no idea, sir. I have no idea
9 who the caller was. I've repeated that many
10 times.

11 Q Okay. Do you know why a message was
12 posted to the caller?

13 A No, sir, I don't. I don't handle that
14 end of it.

15 MR. FOX: Okay.

16 I'd like to show you what I'll
17 mark as Exhibit No. 8.

18 (Plaintiff's Exhibit No. 8 marked for
19 identification.)

20 BY MR. FOX:

21 Q This appears to be an e-mail exchange
22 between you and John -- actually, between you and
23 Michele Minda. Who is Michele Minda?

24 A She is an HR representative.

25 Q What was her role in this assignment?

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

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1 A I've never seen this letter before.

2 Q Were you aware that it was sent?

3 A No, sir.

4 Q It appears to be a letter directed to
5 Clarence Moore, asking him to review and
6 acknowledge PPG's Global Code of Ethics.

7 Do you know why they were asking him
8 to do that?

9 MR. SCHROEDER: Objection,
10 foundation.

11 THE WITNESS: You'd have to ask
12 the individual who sent the letter, sir.

13 BY MR. FOX:

14 Q Do you believe they were asking him to
15 do that because he had been determined to have
16 been directing inventory fraud on a large scale?

17 MR. SCHROEDER: Objection,
18 speculation.

19 THE WITNESS: I don't know, sir,
20 you'd have to ask those individuals.

21 BY MR. FOX:

22 Q So is Convercent like an independent
23 group?

24 A Yes, sir.

25 Q And who runs Convercent, do you know?

NETWORK DEPOSITION SERVICES
Transcript of John Dalton

1 CERTIFICATE

2 COMMONWEALTH OF PENNSYLVANIA,)
) SS:
3 COUNTY OF ALLEGHENY.)

4 I, Nina Warren Biehler, do hereby certify
that before me, a Notary Public in and for the
5 Commonwealth aforesaid, personally appeared
JOHN DALTON, who then was by me first duly
6 cautioned and sworn to testify to the truth, the
whole truth, and nothing but the truth in the
7 taking of his oral deposition in the cause
aforesaid; that the testimony then given by him as
8 above set forth was by me reduced to stenotype in
the presence of said witness, and afterwards
9 transcribed by means of computer-aided
transcription.

10 I do further certify that this deposition
11 was taken at the time and place in the foregoing
caption specified, and was completed without
12 adjournment.

13 I do further certify that I am not a
relative, counsel, or attorney of either party, or
14 otherwise interested in the event of this action.

15 IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my seal of office at Pittsburgh,
16 Pennsylvania, on this ____ day of _____,
2019.

17
18 _____
Nina Warren Biehler
19 Notary Public in and for the
Commonwealth of Pennsylvania
20 My Commission expires: September 19, 2021

21 - - -

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EXHIBIT C

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

9

1 A And after that AkzoNobel was purchased
2 by PPG.

3 Q Okay.

4 A All in loss prevention.

5 Q And what were your -- what were your
6 job titles during the time you were working for
7 PPG?

8 A The loss -- senior manager of loss
9 prevention and store audit, from 2013 until 2017.
10 In 2017 I became the corporate security manager
11 and investigations.

12 Q Okay. So, it -- during the time of
13 the events giving rise to this lawsuit, what was
14 your -- what was your title, senior manager of
15 loss prevention?

16 A Senior manager of corporate security
17 and investigations.

18 Q Okay. And describe for me your job
19 duties in that role.

20 A I look after all of the corporate
21 security functions. I also look after the
22 compliance-related topics and investigations that
23 would come in through our ethics helpline or
24 anything else directed by counsel.

25 Q Okay. And what types of corporate

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

14

1 Q So is it fair to say that you were in
2 charge of the investigation of the mistinting in
3 this case?

4 A Correct.

5 Q And who assisted you in the
6 investigation?

7 A Ian Dalton.

8 Q Okay.

9 A And other members of counsel.

10 Q Does Ian Dalton -- or did he report to
11 you?

12 A Did he?

13 Q Yeah, at the time of the
14 investigation.

15 A No, sir.

16 Q What other members participated in the
17 investigation, to your knowledge?

18 A And, again, everybody else would have
19 been in the corporate counsel side.

20 Q Okay.

21 A Gretchen Roos, Jamie Irving.

22 Q Anyone else on the corporate counsel
23 side?

24 A No. Not that I can think of.

25 Q Conducting the investigation, did you

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

16

1 But you can answer.

2 THE WITNESS: Yeah, my
3 understanding of how it was carried out would
4 have only come from information that we had
5 received from Ian and Mr. Lawson during
6 our -- my conversation.

7 BY MR. FOX:

8 Q Okay. Well, let's -- let me -- let's
9 start with Mr. Lawson.

10 So you spoke with -- with Wally
11 Lawson?

12 A At the time when we had a conversation
13 I was not aware that that was Mr. Lawson on the
14 phone. It was an anonymous call. I guaranteed
15 him confidentiality.

16 Q Okay. Well, you -- you called him and
17 left him a voicemail message first, correct?

18 A That is correct.

19 Q Okay. And you listened to his
20 voicemail, correct?

21 A I couldn't tell you if I did or not.
22 I don't know what was on the front end of it.

23 Q Okay. So you don't recall one way or
24 another whether you listened to his voicemail, in
25 which he identified himself as Wally Lawson?

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

18

1 mischaracterizes it, calls for speculation,
2 but you can answer.

3 THE WITNESS: I did not recall
4 his name.

5 BY MR. FOX:

6 Q Did you take any notes of your
7 conversation with Wally Lawson?

8 A A few.

9 Q What form did the notes take?

10 A Handwritten notes.

11 Q Have you reviewed them recently?

12 A No, the only time we looked at any
13 information was when counsel showed me.

14 Q Okay. Did you review the handwritten
15 notes in preparation for this deposition?

16 A No, sir.

17 Q How long were the handwritten notes,
18 do you recall?

19 A I do not recall.

20 Q Okay, when do -- when was it you
21 recall talking to Wally Lawson?

22 A Again --

23 MR. SCHROEDER: Objection,
24 assumes facts.

25 But you can answer.

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

19

1 THE WITNESS: I didn't know at
2 the time it was Mr. Lawson, but his
3 conversation was memorable because of the
4 investigation that took place afterwards.

5 BY MR. FOX:

6 Q Okay. You say it was memorable. What
7 strikes you -- what do you remember about it?

8 A I remember that I was shocked that we
9 were taking that kind of activity or instructions
10 were being given to that type of activity to take
11 place.

12 Q Okay. And what did he tell you, just
13 as best as you can recall? What did he report to
14 you?

15 A He reported that he received
16 instructions from his -- over conference calls,
17 from his -- trying to think of the title --
18 regional sales manager, regional sales director,
19 whatever, Clarence Moore.

20 Q Um-hum.

21 A To take product off the shelf,
22 purposely mistint it and then let the Lowe's paint
23 department person know that a customer changed his
24 mind, in order to reduce the sale of the product.

25 Q And when he reported that to you what

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

20

1 did you say to him?

2 A I was very thankful that he reported
3 this. I was very grateful that he brought this to
4 our attention, and I advised him that we would get
5 together with counsel and the appropriate members
6 of the team in Cranberry to look into it further.

7 Q Okay. Do you recall, when you called
8 him back, if he answered the phone as saying,
9 Wally Lawson, when you called him back?

10 A No, sir, I don't remember.

11 Q How did the conversation with him
12 conclude?

13 A Again, just me thanking him for what
14 he had offered and that we would look into it
15 further.

16 Q Okay. In this conversation did he
17 identify what stores he worked at?

18 A Just in the area, the specific area in
19 California.

20 Q But you don't recall that geographic
21 area?

22 A No.

23 Q Do you recall if it was Long Beach,
24 for example?

25 A (Witness shook head.)

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

24

1 A It would have been on the intranet,
2 yes.

3 Q Okay, so what -- what did you do next
4 to carry out the investigation?

5 A Contacted Ian Dalton.

6 Q Um-hum.

7 A And asked him -- of course, I provided
8 him the information that we had at the time
9 regarding the mistinting, and asked him to talk to
10 us about what the appropriate next steps would be
11 to investigate it.

12 Q Okay, why did you select Ian Dalton?

13 A Ian physically lives in that area at
14 the time. He would have been in the Houston,
15 Arizona, California market frequently.

16 Q Okay. Was he also selected because he
17 had experience with Clarence Moore because of a
18 previous issue with Clarence Moore?

19 A He would have known Mr. Moore,
20 correct.

21 Q Did you have any previous experience
22 with Clarence Moore?

23 A No, sir.

24 Q In conducting the investigation, did
25 you interview anyone, other than Wally Lawson?

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

25

1 A I did not interview Mr. Lawson.

2 Q Well, I mean, you spoke with him on
3 the phone, correct?

4 A I did -- I did. At the time I did not
5 know that was Mr. Lawson.

6 Q Okay. I'm asking you if you
7 interviewed or talked to anyone else.

8 A No, sir.

9 Q And you -- did you ever talk to
10 Clarence Moore?

11 A No, sir.

12 Q But you understood that Ian Dalton had
13 spoken with Clarence Moore?

14 A On a previous occasion?

15 Q As part of the investigation.

16 A Correct.

17 Q And did he report back to you his
18 conversation with Clarence Moore?

19 A Correct.

20 Q What do you recall him reporting back
21 to you?

22 A If I remember correctly, Mr. -- Mr. --
23 sorry.

24 Mr. Dalton had reported that Mr. Moore
25 stated that he was aware of the conversations that

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

33

1 misconduct or wrongdoing by the managers; is that
2 correct?

3 A That is correct.

4 Q Now, you're aware that Clarence Moore
5 was Wally Lawson's manager, correct?

6 A Correct.

7 Q And you're aware that Clarence Moore
8 terminated Wally Lawson after Wally Lawson
9 reported Clarence Moore's misconduct, correct?

10 MR. SCHROEDER: Objection,
11 foundation.

12 THE WITNESS: I did not know
13 that.

14 BY MR. FOX:

15 Q Were you aware that Wally Lawson was
16 fired by the company?

17 A I found out during this investigation.

18 Q Okay. You found out about it after
19 the fact?

20 A Correct.

21 Q Did anyone consult with you before
22 Wally was terminated, to get -- to seek your
23 opinion?

24 A No, sir.

25 Q How did you find out that Wally had

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

34

1 been -- had been fired?

2 A I believe it was a conversation with
3 counsel, Bill Adams.

4 Q When -- do you recall when that
5 conversation occurred?

6 A I do not.

7 Q Would it have been shortly after Wally
8 was fired?

9 A I have a funny feeling it was more
10 along the lines of when these interviews -- these
11 depositions were set up.

12 Q Okay. Do you think it's ironic that
13 the whistle blower who reported the misconduct of
14 Clarence Moore was terminated by Clarence Moore
15 and that --

16 MR. SCHROEDER: Object -- sorry,
17 finish your question.

18 BY MR. FOX:

19 Q -- Clarence Moore is still working at
20 the company?

21 MR. SCHROEDER: Objection, calls
22 for an opinion. Assumes facts.

23 You can answer.

24 THE WITNESS: In my opinion, yes.

25

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

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1 year ago.

2 Q Okay. Do you know why it -- it was
3 ended by Lowe's; is that correct?

4 A No -- no knowledge.

5 Q You don't have any knowledge of the
6 reasons why it ended?

7 A No, sir.

8 Q Now, were you informed of the initial
9 call that Wally Lawson made to the PPG ethics
10 hotline?

11 MR. SCHROEDER: Objection,
12 assumes facts.

13 THE WITNESS: I did not know that
14 there was an initial call until I spoke on
15 the phone with the confidential person now
16 known as Mr. Lawson.

17 MR. FOX: Okay.

18 BY MR. FOX:

19 Q But were you aware that he had
20 initially reported on the confidential and ethics
21 hotline in April of 2017?

22 A I did not know that Mr. Lawson
23 reported that. I knew of a report.

24 Q And were you aware that Mr. Lawson --
25 well, let me ask -- let me show you Exhibit 2.

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

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1 You've seen this document?

2 A Yes, sir.

3 Q Okay, when did you see it?

4 A When it was first received and when it
5 was closed.

6 Q Okay. And when was it first received?

7 A If I'm looking at the date, 4-21-17.

8 Q Okay. Now, do you know why -- it says
9 this issue has been closed. Do you know why it
10 was closed?

11 A It was closed at my direction after we
12 got information -- after I assumed that there was
13 not a store in the Long Beach area, PPG store.

14 Q Okay. And why was -- why was that of
15 significance to you, your assumption that there
16 was not a store in the Long Beach area?

17 A I was not aware of anybody other --
18 other PPG locations were mistinting paint, other
19 than a physical store location.

20 Q Okay. Did you make an effort to
21 determine whether or not there was a store in Long
22 Beach?

23 A Yes, I did.

24 Q What did you do?

25 A I looked on our directory.

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

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1 Q Okay. And did you determine that
2 there was no store in Long Beach?

3 A Correct.

4 Q Did you look for stores in the
5 vicinity of Long Beach?

6 A I looked in the general area around
7 Long Beach, yes.

8 Q And did you determine there were other
9 stores in that general area?

10 A If I'm not mistaken, the closest was
11 Anaheim.

12 Q Okay. Why did you then close the
13 investigation at that point?

14 A Because we had asked for additional
15 information and received nothing.

16 Q Did you make any effort to determine
17 who the store -- who the territory manager was in
18 Anaheim, at that time?

19 A No.

20 Q Why not?

21 A I know the Anaheim store, because
22 that's where my background took me, and I was
23 aware that there was no information coming out of
24 Anaheim, based upon exception reports we get from
25 the stores.

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

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1 right?

2 A That's correct.

3 Q And it says, "There is not a store in
4 Long Beach, California"; do you see that statement
5 there?

6 A Correct.

7 Q And what did you understand that to be
8 referring to?

9 A A PPG store.

10 MR. SCHROEDER: Okay, that's all
11 the questions I have.

12 - - -

13 EXAMINATION

14 BY MR. FOX:

15 Q And just to follow up, who is Erin
16 Mattheis?

17 A She is the compliance coordinator that
18 works for me.

19 Q Is she still employed with PPG?

20 A Yes, she is.

21 Q And how did she make the determination
22 there was not a store in Long Beach?

23 A A PPG store in Long Beach?

24 Q Yes.

25 A I told her that.

NETWORK DEPOSITION SERVICES
Transcript of David Duffy

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1 Q Oh, you told her that, okay.

2 That was your -- you did -- you did
3 the investigation of that issue, correct?

4 A That's correct.

5 MR. FOX: Okay, thank you.

6 MR. SCHROEDER: Okay, we'll read.

7 THE VIDEOGRAPHER: Hearing
8 nothing further, that concludes the
9 deposition.

10 We are off the record, the time
11 is 1:50 p.m.

12 - - -

13 (Thereupon, at 1:50 o'clock p.m., the
14 deposition was concluded.)

15 - - -

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NETWORK DEPOSITION SERVICES
Transcript of David Duffy

1 CERTIFICATE

2 COMMONWEALTH OF PENNSYLVANIA,)
3 COUNTY OF ALLEGHENY.) SS:

4 I, Nina Warren Biehler, do hereby certify
5 that before me, a Notary Public in and for the
6 Commonwealth aforesaid, personally appeared
7 DAVID DUFFY, who then was by me first duly
8 cautioned and sworn to testify to the truth, the
9 whole truth, and nothing but the truth in the
10 taking of his oral deposition in the cause
11 aforesaid; that the testimony then given by him as
12 above set forth was by me reduced to stenotype in
13 the presence of said witness, and afterwards
14 transcribed by means of computer-aided
15 transcription.

16 I do further certify that this deposition
17 was taken at the time and place in the foregoing
18 caption specified, and was completed without
19 adjournment.

20 I do further certify that I am not a
21 relative, counsel, or attorney of either party, or
22 otherwise interested in the event of this action.

23 IN WITNESS WHEREOF, I have hereunto set my
24 hand and affixed my seal of office at Pittsburgh,
25 Pennsylvania, on this ____ day of _____,
2019.

26
27
28 _____
29 Nina Warren Biehler
30 Notary Public in and for the
31 Commonwealth of Pennsylvania
32 My Commission expires: September 19, 2021

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EXHIBIT D

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

WALLEN LAWSON,)
)
Plaintiff,)
)
v.) Civil Action No.
) 8:18-cv-00705-AG-JPR
)
PPG ARCHITECTURAL FINISHES, INC.,)
)
Defendant.)
-----)

VIDEOTAPED DEPOSITION OF CLARENCE MOORE
Phoenix, Arizona
March 19, 2019

Prepared by:
CINDY MAHONEY, RPR, RMR
Certified Court Reporter
Certificate No. 50680

Transcript of Clarence Moore
Conducted on March 19, 2019

40

1 THE WITNESS: I don't know if he was aware 10:35:56
2 of the mis-tinting issue. 10:35:58
3 BY MR. FOX: 10:35:58
4 Q Okay. I would like to show you what was 10:36:17
5 previously marked as Plaintiff's Exhibit 3. 10:36:28
6 Okay. The document -- first of all, have you 10:39:08
7 ever seen this document before? 10:39:09
8 A I have not. 10:39:10
9 Q Okay. Were you aware that Ian Dalton conducted 10:39:18
10 an investigation internally about mis-tinting? 10:39:24
11 A I was not. 10:39:26
12 Q Okay. Did you not meet with Mr. Dalton? 10:39:30
13 A That's when I speculated that he was looking 10:39:33
14 into -- what he told me was that -- and, again, I don't 10:39:38
15 remember the conversation specifically, but there were 10:39:42
16 some alarming numbers. So I don't know what reports he 10:39:47
17 was referring to, but there were some alarming numbers 10:39:49
18 in -- in mis-tinting in the Phoenix region. 10:39:52
19 Q Okay. Did -- did you -- did he interview on -- 10:39:56
20 you on July 6, 2017? 10:39:59
21 A I -- if that's what he said, I believe so. I 10:40:02
22 don't remember the date exactly. 10:40:02
23 Q Do you recall where the interview took place? 10:40:06
24 A I think this time we were at a Starbucks. 10:40:07
25 Q Okay. Just you and him? 10:40:10

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 remember him telling me that. But I -- it was a while 10:45:42
2 ago. The meeting was a while ago. I could be wrong. 10:45:45
3 But I don't remember him telling me, Tell your team not 10:45:48
4 to mis-tint anymore. 10:45:50

5 It was something that was obvious out of the 10:45:52
6 conversation that he and I had that I said that maybe I 10:45:56
7 need to clear up what's going on and put out a statement 10:45:59
8 that refers directly to the mis-tint process and tell 10:46:03
9 them to cease the -- to cease that activity. 10:46:05

10 Q Okay. Were you concerned after your meeting 10:46:08
11 with Mr. Dalton that you were in trouble? 10:46:11

12 MS. COGBILL: Objection; vague. 10:46:12

13 THE WITNESS: I was not. 10:46:16

14 BY MR. FOX: 10:46:16

15 Q Okay. Who -- who did you talk to after your 10:46:19
16 meeting with Mr. Dalton about the meeting? 10:46:22

17 MS. COGBILL: Objection; vague. 10:46:23

18 THE WITNESS: I wasn't allowed to talk to 10:46:24
19 anyone so ... 10:46:26

20 BY MR. FOX: 10:46:26

21 Q Had Mr. Dalton instructed you not to talk to 10:46:29
22 anyone? 10:46:29

23 A He will every time. He's loss prevention, so 10:46:31
24 yes. Those conversations are confidential between he 10:46:34
25 and I, yes. 10:46:35

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Conducted on March 19, 2019

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1 Q Okay. Did you not talk to Sean Kacsir after 10:46:38
2 the meeting? 10:46:39
3 A I don't think I did about Mr. Dalton, no. But 10:46:45
4 I -- but I don't know. 10:46:47
5 Q Okay. 10:46:47
6 A I don't remember. 10:46:47
7 Q Do you think it's possible you may have? 10:46:50
8 A I don't think I did. 10:46:51
9 Q Were you aware that Mr. Dalton also interviewed 10:46:55
10 Sean Kacsir? 10:46:58
11 A I was not. 10:47:01
12 Q Okay. Were you aware that after his meeting 10:47:07
13 with you, as part of his investigation, Mr. Dalton 10:47:12
14 interviewed all of your direct reports -- 10:47:15
15 A I was not. 10:47:16
16 Q -- as indicated in the memo? 10:47:17
17 A Yeah, I see it here, but I -- I was not. And I 10:47:21
18 didn't know about that, no, sir. 10:47:21
19 Q Okay. It states here in the memo, All 14 10:47:25
20 stated that Moore directed them to mis-tint Rescue It 10:47:28
21 during Tuesday conference calls as well as reaffirming 10:47:34
22 his instructions during market walks. 10:47:38
23 Do you see that? 10:47:39
24 A I see it. It's not true, but I see it. 10:47:41
25 Q Okay. So is it your position that all 14 of 10:47:46

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1 MS. COGBILL: Objection; misstates the 11:05:25
2 witness's testimony. 11:05:27
3 THE WITNESS: As I stated -- 11:05:29
4 MR. FOX: No, I didn't ask him that. 11:05:30
5 THE WITNESS: You did ask me that already, 11:05:31
6 sir. 11:05:32
7 BY MR. FOX: 11:05:32
8 Q I asked you -- okay. 11:05:35
9 Did you have any conversation with Sean Kacsir 11:05:37
10 about any discussions he had with anyone over this 11:05:43
11 mis-tinting investigation? 11:05:46
12 A I did not. 11:05:47
13 Q Did he not tell you as your supervisor that you 11:05:57
14 should not be directing territory managers to mis-tint? 11:06:01
15 MS. COGBILL: Objection; vague. 11:06:03
16 THE WITNESS: He didn't tell me that 11:06:06
17 because I never -- it didn't -- it wasn't said that I 11:06:09
18 did it, so no, he did not tell me that. 11:06:12
19 BY MR. FOX: 11:06:12
20 Q Okay. So you never had any conversation with 11:06:14
21 him where he asked you for an explanation as to why the 11:06:18
22 territory managers were saying all these things, that 11:06:20
23 you had directed them to mis-tint? 11:06:23
24 MS. COGBILL: Objection; vague. 11:06:24
25 THE WITNESS: No. 11:06:25

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1	<u>Q</u>	<u>Okay. And you're aware that Wally Lawson</u>	11:12:02
2		<u>reported to the ethics hotline?</u>	11:12:09
3	<u>A</u>	<u>Today I am.</u>	11:12:10
4	<u>Q</u>	<u>When did you learn of that?</u>	11:12:14
5	<u>A</u>	<u>After the lawsuit was filed.</u>	11:12:16
6	<u>Q</u>	<u>How -- how did you learn of it?</u>	11:12:21
7	<u>A</u>	<u>In conversation with our lawyers.</u>	11:12:25
8		MR. FOX: Okay. Why don't we take a short	11:12:41
9		break now.	11:12:42
10		MS. COGBILL: Okay.	11:12:42
11		THE VIDEOGRAPHER: We are off the record.	11:12:43
12		Time on the video monitor is 11:12 a.m. This ends media	11:12:47
13		1.	11:12:48
14		(A recess was held, after which the	11:12:48
15		proceedings resumed as follows:)	11:12:48
16		THE VIDEOGRAPHER: We're on the record.	11:25:52
17		Time on the video monitor is 11:25 a.m. This begins	11:25:56
18		media 2.	11:25:58
19		BY MR. FOX:	11:25:58
20	<u>Q</u>	<u>Mr. Moore, when -- when did you become aware</u>	11:26:04
21		<u>that your direct reports were all saying that you had</u>	11:26:09
22		<u>told them to intentionally mis-tint the paint?</u>	11:26:13
23	<u>A</u>	<u>Today.</u>	11:26:13
24	<u>Q</u>	<u>Are you saying today is the first time you</u>	11:26:16
25		<u>became aware of that?</u>	11:26:18

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 A They talked to me about the importance of 11:38:06
2 ethics. 11:38:07

3 Q Okay. But did they say to you, Clarence, you 11:38:15
4 know we can't -- we can't have intentional mis-tinting; 11:38:17
5 we just can't do that kind of thing? Anything like 11:38:22
6 that? 11:38:24

7 A I don't remember that at all. Absolutely not. 11:38:27
8 But I remember them outlining the documents that I 11:38:30
9 signed. 11:38:31

10 Q Okay. But, I mean, that was sort of the 11:38:43
11 elephant in the room, wasn't it, the -- 11:38:45

12 MS. COGBILL: Objection; argumentative, 11:38:46
13 calls for speculation. 11:38:48

14 BY MR. FOX: 11:38:48

15 Q This -- this conference call happened because 11:38:51
16 someone had said -- a number of people evidently said, 11:38:53
17 as you've seen, all of your direct reports, that you had 11:38:58
18 directed them to intentionally mis-tint the paint? 11:39:01

19 MS. COGBILL: Objection; calls for 11:39:02
20 speculation. 11:39:03

21 THE WITNESS: I don't know the reason 11:39:04
22 behind the conference call from their end. I do not 11:39:06
23 know. 11:39:07

24 BY MR. FOX: 11:39:07

25 Q Okay. 11:39:08

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Conducted on March 19, 2019

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1 A I -- I didn't know about the 14 reports at that 11:39:11
2 time, so I don't know why -- I don't know what led them 11:39:14
3 to make the conference call. 11:39:16
4 Q Okay. 11:39:17
5 A Everything I see today, I'm just now -- 11:39:20
6 Q I understand. 11:39:20
7 A I'm just now finding out. 11:39:22
8 Q But going back to the time when you had the 11:39:23
9 conference call, did you understand that they were 11:39:25
10 calling you up because there was an allegation that you 11:39:29
11 had directed your territory managers to intentionally 11:39:33
12 mis-tint? 11:39:35
13 A I -- 11:39:35
14 Q Did you understand that much? 11:39:37
15 A I understood that there was -- there was -- 11:39:41
16 there was numbers on a report somewhere with a spiked 11:39:45
17 mis-tint sales, and that's what caused the 11:39:50
18 questionable -- the question of mis-tints at that time. 11:39:53
19 Q Okay. So it's your testimony no one told 11:39:57
20 you -- not Michele Minda, not Cathie McKinley, not Sean 11:40:01
21 Kacsir, not anyone that you dealt with -- that your 11:40:04
22 direct reports had said that you had told them to 11:40:09
23 intentionally mis-tint? 11:40:11
24 A I need to see the document to talk more about 11:40:15
25 that conversation. We just followed the -- we just 11:40:18

Transcript of Clarence Moore
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1	Q	Did you show it to him?	11:57:37
2	A	No, sir.	11:57:37
3	<u>Q</u>	<u>You didn't -- you didn't want to run it by him?</u>	11:57:41
4	<u>A</u>	<u>I was instructed by Mr. Dalton that our</u>	11:57:45
5		<u>conversation was confidential.</u>	11:57:46
6	Q	Okay. To read the statement -- let me read it.	11:57:55
7		[Reading] To whom it may concern, on Thursday,	11:57:59
8		July 6, I met with John Dalton -- John Ian Dalton to	11:58:01
9		discuss a matter that had been brought to his attention.	11:58:04
10		When we met that afternoon, it was brought to my	11:58:07
11		attention that there had been a high amount of	11:58:09
12		mis-tinted Rescue It product coming from the Phoenix	11:58:12
13		region. I would like to go on record and say I do not	11:58:14
14		recall the conversation where the mis-tint idea was	11:58:18
15		brought up, but I do remember it happening. I would	11:58:20
16		also like to restate that I don't remember being the	11:58:22
17		original person sharing the idea, but I didn't stop it.	11:58:26
18		I understand the reasons why PPG associates should not	11:58:29
19		be permitted to initiate any mis-tints. And my team	11:58:33
20		knows that they are now to never be a part of this	11:58:36
21		process again in the future. Only Lowe's associates are	11:58:39
22		allowed to do so. I would like to end this statement by	11:58:42
23		saying that in multiple stores throughout the region	11:58:45
24		there has been stores who agreed to discount this	11:58:48
25		product manually. Through my years of experience	11:58:50

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Conducted on March 19, 2019

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1 Q Okay. And it's -- it's still your position as 12:00:23
2 you sit here today and testifying to the jury that you 12:00:27
3 didn't know at the time about the practice of 12:00:29
4 mis-tinting? 12:00:29

5 A Yes, sir. 12:00:30

6 Q I would like to show you next what was 12:00:46
7 previously marked as Plaintiff's Exhibit Number 6. 12:00:49

8 This appears to be a text message; is that 12:01:05
9 correct? 12:01:05

10 A It appears to be, yes, sir. 12:01:07

11 Q And I just want to read to you the relevant 12:01:12
12 portion of the text message so we have it in the record. 12:01:14

13 It's dated July 6, 2017, 3:14 p.m. 12:01:17

14 It states, Effectively -- effective 12:01:21

15 immediately -- followed by four exclamation points -- 12:01:25

16 please do not mis-tint Rescue It product anymore. 12:01:29

17 And the top of the page it says, Wallen. 12:01:33

18 Was this the text message that you sent to your 12:01:38

19 direct reports on July 6, 2017? 12:01:40

20 A Yes, sir. 12:01:42

21 Q Now, when you said, Please do not mis-tint the 12:01:45

22 Rescue It product anymore, why did you -- why did you 12:01:49

23 use those words "anymore"? 12:01:52

24 A Because I wasn't sure -- I used it to say that 12:01:56

25 if there is any of that going on, it should be ceased at 12:02:00

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Conducted on March 19, 2019

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1 A Which one -- which number are we referring to? 13:31:58
2 Q Exhibit 29. Sorry. 13:32:03
3 A Last one? 13:32:07
4 Q Just on the second page, it says, CC: employee 13:32:09
5 file. 13:32:13
6 A Okay. 13:32:15
7 Q Okay. Do you understand that this would have 13:32:17
8 gone into your personnel file? 13:32:19
9 A Yes, sir. 13:32:19
10 Q Okay. And there are two links referred to in 13:32:24
11 the first page: the global code of ethics link and the 13:32:28
12 global code of ethics overview. Do you see that? 13:32:32
13 A Yes, sir. 13:32:33
14 Q I want to show you those documents now -- what 13:32:37
15 appear to be those documents, just have you confirm to 13:32:39
16 me that they are. 13:32:40
17 The first one is -- I marked as Moore Exhibit 13:32:42
18 30. Is that -- is Exhibit 30 entitled, Global code of 13:33:09
19 ethics overview, the documents referred to -- second 13:33:13
20 link that's referred to in the February 22 letter? 13:33:17
21 A It appears to be, yes. 13:33:20
22 MS. COGBILL: I'll just note for the 13:33:24
23 record that what's been marked as Exhibit 30 is not 13:33:26
24 dated. But I'll trust counsel's representation that if 13:33:29
25 he printed that from that particular link that that is, 13:33:32

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1 in fact, the document. 13:33:35

2 MR. FOX: I'm not sure exactly how it was 13:33:40

3 printed, but I'm assuming it was. 13:33:48

4 BY MR. FOX: 13:33:48

5 Q Okay. And let's take a look next at what's 13:33:53

6 been marked as Moore Exhibit 31. Does this appear to be 13:34:14

7 the global code of ethics that's referenced as the first 13:34:19

8 link in the February 22, 2018, letter? 13:34:24

9 A It appears to be, yes. 13:34:26

10 MS. COGBILL: I'll just again note for the 13:34:28

11 record that this document is not, in fact, dated. I 13:34:33

12 know that we did produce that specific global code of 13:34:37

13 ethics that was Bates-labeled, so whether that's the 13:34:41

14 same one, the one that Mr. Fox is using as Exhibit 31, 13:34:44

15 we cannot determine at this point. 13:34:47

16 BY MR. FOX: 13:34:51

17 Q Okay. Did --did you review the -- this 13:35:00

18 document after you got the letter? 13:35:02

19 A Yes, sir. 13:35:03

20 Q I would like to show you what's marked as Moore 13:35:34

21 Exhibit 32. It's a document that's entitled, PPG 13:35:39

22 Architectural Coatings Employee Handbook -- sorry -- For 13:35:42

23 National Accounts Non-Exempt Employees Lowe's, Menard's 13:35:45

24 and Tier 2 Field Sales Teams. 13:35:50

25 Can you identify this document? 13:35:53

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1 A We get our employee handbook at the beginning 13:36:04
2 of -- of our job start, and it appears to be the one 13:36:09
3 that each associate gets as they get hired on to the 13:36:13
4 company. 13:36:13

5 Q Okay. And I want to turn to 57, page 57, 13:36:30
6 Guidelines for appropriate conduct. And I just want to 13:36:38
7 read to you the first several lines of that. 13:36:41

8 [Reading] As an integral member of the PPG 13:36:43
9 team, you're expected to accept certain 13:36:46
10 responsibilities, adhere to acceptable business 13:36:49
11 principles and matters of personal conduct, and exhibit 13:36:53
12 a high degree of personal integrity at all times. This 13:36:56
13 not only involves sincere respect for the rights and 13:36:58
14 feelings of others but also demands that you refrain 13:37:00
15 from any behavior that might be harmful to you, your 13:37:03
16 coworkers and/or PPG, or that might be viewed 13:37:05
17 unfavorably by current or potential customers or by the 13:37:09
18 public at large. Whether you're on -- on or off duty, 13:37:15
19 your conduct reflects on PPG. You're consequently 13:37:17
20 encouraged to observe the highest standards of 13:37:19
21 professionalism at all times. 13:37:21

22 Then there's a listing of examples of 13:37:24
23 inappropriate behavior that follows. Number 10 is, 13:37:31
24 Stealing property from coworkers, customers, suppliers, 13:37:33
25 clients or PPG. 13:37:37

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1 (A discussion was held off the record.) 13:48:48
2 (The document was marked as Exhibit 36 for 13:48:49
3 identification.) 13:48:49
4 MS. COGBILL: I'm sorry. For the record 13:49:02
5 it's -- 13:49:02
6 MR. FOX: Showing you Exhibit 36. 13:49:07
7 MS. COGBILL: Okay. The last exhibit you 13:49:07
8 used on the record was 32. 13:49:07
9 THE COURT REPORTER: Can we go off the 13:49:07
10 record for a second? 13:49:07
11 MR. FOX: We're going out of sequence a 13:49:14
12 little bit. 13:49:14
13 MS. COGBILL: Okay. 13:49:14
14 BY MR. FOX: 13:49:14
15 Q Can you identify this document? 13:49:42
16 A Non-exempt position description for HR only. 13:49:52
17 Q Okay. Is this a listing of job duties for 13:49:56
18 territory managers? This appears to be -- 13:49:58
19 A This appears -- appears to be a description of 13:50:12
20 job duties as the territory manager for 2015, yes. 13:50:16
21 Q Okay. And under listing of key 13:50:20
22 responsibilities, does that appear to be a list of the 13:50:25
23 key responsibilities of the territory managers? 13:50:30
24 A The responsibilities of a territory manager 13:50:43
25 does include these bullet points, yes. 13:50:45

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1 inventory counts, but we could not change either of 14:00:17
2 those. 14:00:18

3 Q Could -- could a -- would it be possible for a 14:00:25
4 TM to use the information contained in this tidbit to 14:00:28
5 lower the price of Rescue It while no one was watching? 14:00:35

6 A No. This -- so the step 1, the option 5 was -- 14:00:40
7 our options were not the same as -- our view of the 14:00:43
8 screen would not look the same as it did for a store 14:00:46
9 associate. 14:00:47

10 Q Okay. 14:00:48

11 A So their step 5 meant absolutely nothing to us. 14:00:51
12 That would have to be viewed from a store associate at a 14:00:54
13 higher level, meaning management and up. 14:00:57

14 Q Okay. Now, how long did Wally work for you 14:01:12
15 before you decided to put him on a performance 14:01:15
16 improvement plan? 14:01:17

17 A I would have to see those dates. I -- and, 14:01:23
18 again, it wasn't my decision to put him on a performance 14:01:26
19 improvement plan. It was instructed to us by the HR 14:01:31
20 team to follow the -- to follow the sales trends. 14:01:37

21 Q Okay. But you were the one who decided to put 14:01:43
22 him on a performance improvement plan; correct? 14:01:45

23 A I was not. 14:01:46

24 Q Who made the decision? 14:01:47

25 A It was instructed by HR to follow guidelines of 14:01:50

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1 a -- and I don't know the exact terminology of those 14:01:55
2 guidelines right now, but the sales trend is what -- is 14:01:58
3 what prompted Wallen to get put on a performance 14:02:02
4 improvement plan. 14:02:03
5 Q Who in HR instructed you? 14:02:05
6 A I didn't get -- I didn't get personally 14:02:08
7 instructed by anyone. It was a form that was sent out 14:02:11
8 to the team. So, again, I would have to -- I don't 14:02:14
9 remember who the email came from. 14:02:15
10 Q And what --- what was the form? What did it -- 14:02:19
11 what did it say? 14:02:23
12 A In the -- I don't remember what the form said 14:02:26
13 at all, but it was in the vicinity of speaking of if 14:02:30
14 they missed this many months out of -- out of a 12-month 14:02:33
15 rolling period in time, this is the -- this is the level 14:02:37
16 of action we're going to take to start a performance 14:02:40
17 improvement plan. 14:02:41
18 Q So is it something like if they miss 6 out of 14:02:48
19 12 months, something like that? 14:02:48
20 A Something like that. 14:02:49
21 Q And there was a written directive that came out 14:02:52
22 from HR? 14:02:53
23 A Uh-huh. 14:02:53
24 Q It said that -- did it say that you had 14:02:57
25 discretion then on a performance improvement plan or you 14:03:00

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1 had to do it? 14:03:01

2 A It was black and white. 14:03:03

3 Q Okay. But you don't remember who issued it? 14:03:08

4 A No, sir. 14:03:09

5 Q Okay. 14:03:16

6 MR. FOX: Mark this as Exhibit 37. 14:03:25

7 (The document was marked as Exhibit 37 for 14:03:25

8 identification.) 14:03:25

9 BY MR. FOX: 14:03:25

10 Q Exhibit Number 37 is an email exchange between 14:03:45

11 yourself and Andy Mayhew dated -- Andrew Mayhew dated 14:03:51

12 April 27, 2017. 14:03:55

13 Who -- who -- who is Andrew Mayhew? 14:04:00

14 A He was one of our members of the HR department. 14:04:03

15 Q Okay. Did he go by Andrew or Andy? 14:04:05

16 A Andy. 14:04:07

17 Q Did you send him an email saying, Can you call 14:04:14

18 me Y-o-s-t to talk about PIP for Wally? 14:04:20

19 What did you mean by YOST? 14:04:24

20 A I don't know. That was a -- obviously a 14:04:25

21 mistake. There was a gentleman who worked for us whose 14:04:29

22 last name was Yost, so I think an auto correction 14:04:32

23 occurred right there. 14:04:33

24 Q Okay. And then Andy Mayhew responded, said, 14:04:38

25 Hi, Clarence, Snigdha will help you with Wally's PIP. I 14:04:43

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1	<u>will give her a heads-up based on what was discussed a</u>	14:04:45
2	<u>couple weeks ago.</u>	14:04:47
3	<u>Did you have a conversation a couple weeks</u>	14:04:50
4	<u>before this email with Andy Mayhew about Wally Lawson?</u>	14:04:55
5	<u>A I'm assuming I did, based on what's said here</u>	14:04:57
6	<u>in the document.</u>	14:04:58
7	Q Okay. What do you -- what do you recall about	14:05:03
8	that conversation?	14:05:05
9	A I remember nothing about that conversation.	14:05:08
10	This was two years ago, so I don't -- I don't remember	14:05:11
11	the conversation.	14:05:13
12	Q Who was Snigdha?	14:05:14
13	A Snigdha was Andy's boss, I believe. She was	14:05:17
14	also a member of HR.	14:05:20
15	Q Did she -- how did -- did she help you with	14:05:22
16	Wally's PIP?	14:05:24
17	A I'm assuming so. Again, I don't -- I don't	14:05:28
18	remember much about the layout of the conversations	14:05:31
19	and -- and when they happened, but I'm assuming from	14:05:34
20	reading this that me and Snigdha talked shortly after	14:05:38
21	this email.	14:05:39
22	Q Okay. At the time you sent this email, did you	14:05:44
23	have any -- any concerns or criticisms of Wally's	14:05:46
24	performance other than his -- his alleged failure to	14:05:50
25	meet the alleged sales goals?	14:05:54

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1 opinionated. It was a yes or no question on the market 14:11:41
2 walk form. 14:11:42
3 Q Okay. 14:11:42
4 MR. FOX: Let's mark this as Exhibit 14:11:55
5 Number 38. 14:12:03
6 (The document was marked as Exhibit 38 for 14:12:03
7 identification.) 14:12:03
8 BY MR. FOX: 14:12:03
9 Q Can you identify this document? 14:12:55
10 A It is a email from me to Andy Mayhew of the 14:13:01
11 email that I previously sent to Wallen Lawson. 14:13:06
12 Q Okay. And did you talk with Andy Mayhew about 14:13:14
13 the email? 14:13:14
14 A I don't recall. 14:13:15
15 Q And why did you send it to Andy Mayhew? 14:13:21
16 A I don't recall the reason -- I don't recall the 14:13:24
17 reasoning. 14:13:24
18 Q Okay. Was it to document Wally's personnel 14:13:28
19 file? 14:13:31
20 A I don't recall the reasoning. 14:13:35
21 Q Okay. So was -- does this document reflect the 14:13:42
22 first market walk you did with Wally? 14:13:45
23 A I would have to see the list of market walks. 14:13:49
24 I'm not -- I'm not sure if this was the first one or 14:13:52
25 not. 14:13:53

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1 Q Okay. Then turning to the second page where it 14:24:08
2 says, Sales, Wally's missed 8 out of the last 12 months 14:24:12
3 in sales and will need to comp positive in the second 14:24:16
4 quarter, did you provide that language? 14:24:20
5 A I did. 14:24:21
6 Q Now, what was the purpose of the performance 14:24:26
7 improvement plan? 14:24:29
8 A The -- the sales. It was a sales performance 14:24:33
9 improvement plan. 14:24:34
10 Q Okay. You wanted to get his sales up; correct? 14:24:36
11 A That was the intent, yes. 14:24:38
12 Q Okay. Now, before he was put on a performance 14:24:48
13 improvement plan, had any of his territory been shifted 14:24:52
14 or altered in any way? 14:24:56
15 A We all got territory -- territory realignments. 14:25:00
16 I just don't know the timeline of those. But that was 14:25:03
17 something that happened in our positions. 14:25:05
18 Q Can realignments affect a TM's sales 14:25:09
19 performance if the TM is given underperforming stores? 14:25:16
20 A No. What do you mean, can it affect? How 14:25:20
21 could it affect it? 14:25:21
22 Q Can it adversely affect their -- their sales 14:25:23
23 performance if they're given underperforming stores? 14:25:26
24 A It's possible. 14:25:31
25 Q Okay. And is it correct that Wally was given 14:25:34

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 from a prior year. So there was no number that was just 14:26:48
2 given. It was a number that was -- it was a number that 14:26:52
3 was referred to as a comp to the last -- to the last 14:26:55
4 year's numbers. So that store was in the same position 14:26:59
5 or same location it was at the prior year. And that's 14:27:03
6 how we -- that's how we graded the sales comps was off 14:27:07
7 of the last year's numbers. 14:27:09

8 Q But the store had declining performance that 14:27:12
9 would affect Wally negatively; correct? 14:27:14

10 A Not necessarily. The store could be driven by 14:27:19
11 the lumber department. The store could have had 14:27:23
12 something going on in their seasonal department. So 14:27:28
13 possibilities are endless. You can't really depict 14:27:33
14 on -- I can only assume what I assumed throughout the 14:27:35
15 market walks. I can't really speak on Lowe's declining 14:27:40
16 store. 14:27:42

17 Q Okay. What are share markdowns? 14:27:57

18 A I'm not sure what those are. 14:28:01

19 Q Now, was the purpose of the performance 14:28:06
20 improvement plan to -- to be a mechanism to coach Wally? 14:28:14

21 A Say that again. 14:28:16

22 Q Was -- was the performance improvement plan 14:28:19
23 supposed to be a mechanism to coach Wally, to actually 14:28:26
24 improve his performance? 14:28:30

25 A A performance improvement plan is a plan to 14:28:33

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 improve in performance. That's -- it's -- it's 14:28:36
2 self-explanatory, I think. 14:28:37
3 Q Okay. Well, there are, like, congressional 14:28:40
4 bills that say they're something that they're not. 14:28:43
5 Are performance improvement plans always used 14:28:46
6 to improve an employee's performance or are they 14:28:52
7 sometimes used to document performance deficiencies to 14:28:57
8 pave the way for termination? 14:29:00
9 A Again, that's something that's higher than my 14:29:03
10 level. You would have to talk to HR about that. It was 14:29:07
11 instructed to us to grade specifically off of the 14:29:10
12 rolling 12-month sales, and that's -- that's all we used 14:29:13
13 to put these in place. 14:29:16
14 Q Did the -- did this performance improvement 14:29:20
15 plan require you to conduct regular review sessions and 14:29:22
16 coaching with Wally? 14:29:24
17 A Yes. 14:29:24
18 Q How often? What was your understanding of 14:29:27
19 frequency? 14:29:32
20 A Weekly. 14:29:34
21 Q Okay. And what form did those weekly review 14:29:38
22 sessions take? 14:29:40
23 A Phone calls. 14:29:41
24 Q Okay. Did you, in fact, talk to him weekly and 14:29:44
25 do those reviews? 14:29:46

Transcript of Clarence Moore
Conducted on March 19, 2019

202

1 it with Andy Mayhew, but I don't remember the exact 15:38:47
2 reasoning right now. 15:38:49

3 Q Did you tell Wally he was doing a better job? 15:39:06
4 MS. COGBILL: Objection; vague. 15:39:07
5 THE WITNESS: I don't recall. 15:39:09
6 MR. FOX: Okay. Let's mark this as Moore 15:39:15
7 Exhibit 44 -- 43. Sorry. 15:39:19
8 (The document was marked as Exhibit 43 for 15:39:19
9 identification.) 15:39:19
10 BY MR. FOX: 15:39:26
11 Q You said in this -- this is an email exchange 15:40:10
12 between yourself and Wally in part; correct? 15:40:13
13 MS. COGBILL: Just for the record, I would 15:40:14
14 note that the first page is an email exchange. The 15:40:16
15 second two pages of the exhibit are not Bates-numbered 15:40:19
16 in order, and it's not clear to me at least that they 15:40:24
17 are part of what is page 1. 15:40:26
18 MR. FOX: Okay. 15:40:27
19 BY MR. FOX: 15:40:27
20 Q Can you identify the second two pages? 15:40:31
21 A I don't know what it is. It appears to be -- I 15:40:37
22 don't even want to guess. I don't know what it is. 15:40:39
23 It's something from a policy of some sort, it looks 15:40:43
24 like, maybe. 15:40:44
25 Q Maybe policies regarding administrative time? 15:40:47

Transcript of Clarence Moore
Conducted on March 19, 2019

203

1 A And the portion it looks to be specifying is 15:40:58
2 the administrative time and time management system. 15:41:01
3 Q Okay. The first page is an email exchange in 15:41:03
4 which you emailed Wally; correct? 15:41:08
5 A The first page is an email from Sean Kacsir to 15:41:11
6 myself that looks like it was forwarded from an email 15:41:16
7 from myself to Wally. 15:41:18
8 Q Correct. 15:41:20
9 And you sent an email to Wally near the -- 15:41:23
10 without reading the whole email in: You're doing a 15:41:25
11 better job, but there's still so much room for 15:41:29
12 improvement. 15:41:29
13 How was Wally doing a better job? 15:41:32
14 A This was specified in the market walk that was 15:41:36
15 performed. 15:41:36
16 Q Okay. You don't recall offhand? 15:41:40
17 A I do not. 15:41:41
18 Q And then Sean Kacsir said, I would like an 15:41:52
19 additional market walk completed for any stores you did 15:41:55
20 not hit in the past market walk during the last week of 15:41:58
21 his extended PIP. He continues to not follow the 15:42:03
22 direction from his RM on basic job functions. 15:42:09
23 Were you the RM? 15:42:13
24 A That he's referring to -- 15:42:14
25 Q Yeah. 15:42:14

Transcript of Clarence Moore
Conducted on March 19, 2019

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1	A	<u>-- yes.</u>	15:42:15
2	Q	Why was he saying that to you?	15:42:18
3	A	You would have to ask Sean. I'm not sure.	15:42:21
4	Q	Andy Mayhew was copied; correct?	15:42:23
5	A	Yes, sir.	15:42:24
6	Q	Was this some sort of effort to document	15:42:26
7		Wally's personnel file?	15:42:29
8		MS. COGBILL: Objection; calls for	15:42:30
9		speculation.	15:42:31
10		THE WITNESS: Every market walk is	15:42:33
11		documented on a territory manager's personnel file.	15:42:40
12		BY MR. FOX:	15:42:40
13	Q	So were you and Sean Kacsir closely	15:42:45
14		collaborating on the market walks Wally was being	15:42:50
15		subjected to?	15:42:53
16	A	I was following routine and sending my market	15:42:57
17		walk recap to the individuals listed there. I wasn't	15:43:01
18		doing anything extra except following the routine of	15:43:04
19		what we do after we complete a market walk.	15:43:09
20	Q	Okay.	15:43:10
21		MR. FOX: Let's mark this as Exhibit 44.	15:43:30
22		(The document was marked as Exhibit 44 for	15:43:30
23		identification.)	15:43:30
24		BY MR. FOX:	15:43:30
25	Q	So does this document reflect the market walk	15:44:02

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 BY MR. FOX: 15:58:07

2 Q You also gave him a zero out of five for 15:58:12

3 training roster execution, and that was another no 15:58:33

4 credit score; correct? 15:58:38

5 A For that line item, yes. 15:58:40

6 Q Okay. But he was training people; he just 15:58:43

7 didn't update his roster always 100 percent accurately? 15:58:46

8 MS. COGBILL: Objection; calls for 15:58:48

9 speculation. 15:58:49

10 THE WITNESS: I only referenced the 15:58:51

11 training roster, so I don't -- I would assume that he 15:58:54

12 was not training people and not reflecting it. 15:58:57

13 BY MR. FOX: 15:58:57

14 Q You gave him a zero out of four for the 15:59:03

15 training roster category here next to last item under 15:59:09

16 training. It looks like you did a sort of audit of 15:59:13

17 where he was? 15:59:15

18 A Yes, sir. 15:59:16

19 Q How did you do that? 15:59:19

20 A The TMS system. 15:59:21

21 Q Okay. And did you -- why -- why did you do 15:59:27

22 that in this case? 15:59:29

23 A I was looking into training roster relevance, 15:59:33

24 looking into who he trained, looking into dates people 15:59:41

25 were trained. I think what red flagged me on this, if I 15:59:48

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 remember correctly, generally the territory managers 15:59:51
2 will visit one or two stores a day, and I -- I believe I 15:59:55
3 saw a day where four -- four associates were trained 16:00:00
4 from four different stores, so it made me go back and 16:00:02
5 look at the TMS system, and I saw that multiple times he 16:00:08
6 had said that he trained somebody and not -- and had not 16:00:12
7 visited that store on that day. 16:00:14
8 Q It -- was it possible he might have trained 16:00:17
9 that person on the day before, the day after, or 16:00:19
10 otherwise in short proximity, just record the wrong 16:00:23
11 date? 16:00:23
12 MS. COGBILL: Objection; calls for 16:00:24
13 speculation. 16:00:24
14 THE WITNESS: I don't know what he did, 16:00:25
15 sir. 16:00:26
16 BY MR. FOX: 16:00:26
17 Q Did you ask him about it? 16:00:27
18 A I did. 16:00:28
19 Q What did he tell you? 16:00:30
20 A He didn't have an explanation. 16:00:33
21 Q Did you say that here that he didn't have an 16:00:37
22 explanation? 16:00:39
23 A I didn't. 16:00:42
24 Q Why didn't you document that? 16:00:46
25 A The facts on the training roster were very 16:00:49

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 recommendation. 16:07:22

2 Q Okay. 16:07:23

3 A It wasn't my recommendation, though. 16:07:24

4 Q Okay. You don't know whose recommendation it 16:07:28

5 was? Is that what you're saying? 16:07:29

6 A Well, again, it was HR that made us imply 16:07:35

7 the -- or implement the performance improvement plan, 16:07:39

8 and the performance improvement plan was not -- was not 16:07:44

9 completed, so the alternative was termination. 16:07:47

10 Q Okay. During this time, was there any 16:07:54

11 continuing investigation of the inventory fraud? 16:07:58

12 A There was not. 16:07:59

13 Q Do -- do you know one way or another or -- 16:08:03

14 A I know one way or another. There was not. 16:08:05

15 Q Okay. How do you know that? 16:08:08

16 A Because it wasn't with me. If there was an 16:08:11

17 investigation, I wasn't aware of it, but I knew nothing 16:08:14

18 of an investigation. 16:08:15

19 Q Okay. That's all I'm asking you. 16:08:16

20 A Uh-huh. 16:08:17

21 MR. FOX: So let me mark this as Exhibit 16:08:30

22 Number 46. 16:08:38

23 (The document was marked as Exhibit 46 for 16:08:38

24 identification.) 16:08:38

25 /// 16:08:38

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 BY MR. FOX: 16:08:38

2 Q So this is an email that you drafted that was 16:09:05

3 forwarded by Sean Kacsir to Andy Mayhew. The email is 16:09:11

4 dated August 21, 2017. 16:09:15

5 You said, Andrew, below is a breakdown of the 16:09:18

6 walks as well as information from PIP for Wally Lawson, 16:09:29

7 Long Beach, California, territory manager. I'm 16:09:32

8 asking -- I'm sending this to Sean first in hopes that 16:09:37

9 he will have his approval before sending it over to you. 16:09:41

10 I've included bullet points from each training 16:09:43

11 opportunity with the date header on when the information 16:09:45

12 was passed along to him. This is a request for 16:09:48

13 termination. 16:09:49

14 That's you saying that; correct? 16:09:51

15 A Yes, sir. 16:09:51

16 Q So you were, in fact, the one who was 16:09:53

17 requesting termination; correct? 16:09:54

18 A I was replying to the policy that was sent out 16:09:59

19 to us on the rolling 12 months, and I was saying that 16:10:03

20 Wally did not complete his performance improvement plan. 16:10:07

21 Q Okay. And then you said, I feel the points 16:10:09

22 below clearly show that this individual is not doing the 16:10:12

23 job asked by myself or the company. On top of the daily 16:10:15

24 and monthly objectives that are not being complete, the 16:10:19

25 TMO has also finished the second quarter, missing all 16:10:22

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 Q Okay. Did you understand why Wally made the 16:13:24
2 request? 16:13:26

3 A Again, Wally was a note-taker, and if he 16:13:33
4 understood the seriousness of that sit-down, he wanted 16:13:37
5 to have his record of it. 16:13:40

6 Q Okay. And he just wanted to have his record. 16:13:44
7 Do you know -- do you know why Andy Mayhew denied him 16:13:46
8 that opportunity? 16:13:49

9 MS. COGBILL: Objection; calls for 16:13:50
10 speculation. 16:13:50

11 THE WITNESS: You would have to ask Andy 16:13:52
12 Mayhew. 16:13:52

13 BY MR. FOX: 16:13:52

14 Q I will on Thursday. 16:13:56

15 So Wally then asked, Why am I being terminated; 16:14:03
16 correct? 16:14:06

17 A I don't remember the layout of it. It was 16:14:10
18 scripted and -- and Andy read most of the script. I 16:14:15
19 just introduced the conversation. 16:14:17

20 Q Did you ever see the script? 16:14:19

21 A I did not. I -- I may have. I don't even 16:14:21
22 know, honestly, but it was -- that was HR's side of the 16:14:25
23 business. 16:14:25

24 Q Okay. And do you recall that after Wally asked 16:14:30
25 why he's being terminated, Andy Mayhew said he -- he had 16:14:37

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 falsified a training roster? 16:14:44

2 A That was one of the things that was brought up. 16:14:47

3 Q Okay. And -- and the PIP results; is that 16:14:50

4 correct? 16:14:51

5 A Those were two things that were brought up, 16:14:55

6 yes. 16:14:56

7 Q Okay. Now, was there any evidence Wally had 16:14:57

8 actually falsified the training roster as opposed to 16:15:00

9 making mistakes or having the incorrect dates for 16:15:07

10 various meetings with people? 16:15:10

11 A The evidence was the training roster. 16:15:11

12 Q Yeah. Yes. Okay. 16:15:15

13 But was there any evidence that he had 16:15:17

14 falsified it as opposed to making mistakes? 16:15:21

15 A The only evidence was the training roster 16:15:23

16 itself. Again, I mean, we can -- we can go in circles 16:15:29

17 on whether we feel like it was intended or not, but all 16:15:35

18 I can go off is the facts that I saw on the training 16:15:37

19 roster. 16:15:37

20 Q Well, but there's a big difference in terms of 16:15:39

21 whether or not someone -- an employee falsifies a 16:15:42

22 document as opposed to making mistakes in the document; 16:15:46

23 right? 16:15:47

24 A Yeah. And in that case, I -- I saw a lot more 16:15:51

25 than a mistake. It -- if it seemed like habit when you 16:15:54

Transcript of Clarence Moore
Conducted on March 19, 2019

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing deposition was taken
4 by me pursuant to stipulation of counsel; that I was
5 then and there a Certified Court Reporter in the State
6 of Arizona, and by virtue hereof authorized to
7 administer an oath; that the witness before testifying
8 was duly sworn by me to testify to the whole truth;
9 pursuant to request, notification was provided that the
10 deposition is available for review and signature; that
11 the questions propounded by counsel and the answers of
12 the witness thereto were taken down by me in shorthand
13 and thereafter transcribed into typewriting under my
14 direction; that the foregoing pages are a full, true and
15 accurate transcript of all the proceedings had upon the
16 taking of said deposition, all done to the best of my
17 skill and ability.

18 I FURTHER CERTIFY that I am in no way related
19 to nor employed by any parties hereto; nor am I in any
20 way interested in the outcome thereof.

21 Dated at Phoenix, Arizona, this 28th day of
22 March, 2019.

23 
24 _____
CINDY MAHONEY, RPR, RMR NO. 50680

EXHIBIT E

**NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew**

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA
3 - - -
4 WALLEN LAWSON,)
)
5 Plaintiff,)
)
6 vs.) Case No.
) 8:18-cv-00705-AG-JPR
7 PPG ARCHITECTURAL)
 FINISHES, INC.,)
8)
)
 Defendant.)

9
10 - - -
11 Videotape Deposition of ANDREW MAYHEW
12 Thursday, March 21, 2019

13 - - -
14 The videotape deposition of ANDREW MAYHEW,
15 called as a witness by the Plaintiff, pursuant to
16 notice and the Federal Rules of Civil Procedure
17 pertaining to the taking of depositions, taken
18 before me, the undersigned, Nina Warren Biehler, a
19 Notary Public in and for the Commonwealth of
20 Pennsylvania, at the law offices of Obermayer
21 Rebmann Maxwell & Hippel LLP, Suite 5240, One
22 Mellon Center, 500 Grant Street, Pittsburgh,
23 Pennsylvania 15219, commencing at 10:16
24 o'clock a.m., the day and date above set forth.

25 - - -
 NETWORK DEPOSITION SERVICES
 1101 GULF TOWER
 707 GRANT STREET
 PITTSBURGH, PENNSYLVANIA 15219
 (866) 565-1929
 - - -

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

12

1 knowledge of who Wally Lawson was?

2 A No.

3 Q You said he reached out to you. He
4 called you up; is that correct?

5 A Yes, sir.

6 Q And how long did the call last, do you
7 know?

8 A I'm not sure.

9 Q Okay, what do you recall that he said
10 to you in the call?

11 A He had -- Wally had indicated that he
12 was unhappy with how his manager was managing his
13 performance improvement plan. And he wanted to
14 talk to someone in HR, who was me, about his
15 concerns.

16 Q Okay.

17 A And he also indicated he was unpleased
18 with his prior market walk score.

19 Q Unpleased with his prior market walk
20 support, you said?

21 A Score.

22 Q Score, okay.

23 Okay, when he said he was unhappy
24 about how his manager had handled his PIP, what
25 did he say about that specifically?

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

13

1 A He had indicated he just didn't feel
2 like he was getting the right amount of support
3 and time.

4 Q Okay. Do you recall anything further
5 about the conversation?

6 A No.

7 Q Did he indicate to you he felt he was
8 being treated unfairly by his supervisor?

9 A I do not recall that.

10 Q Okay. What did you tell him in
11 response to his concerns about how his manager was
12 treating him with regard to his performance
13 improvement plan?

14 A I -- I had indicated I would reach out
15 to his second level manager, which would have been
16 Sean, and to discuss his concerns.

17 Q And by, Sean, you mean Sean Kacsir?

18 A Yes.

19 Q Okay, then, what did he say
20 specifically about his market walk score?

21 A I don't remember.

22 Q Did he advise you that he thought it
23 was artificially low?

24 A I do not remember him saying that.

25 Q Okay. Did he not advise you that his

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

15

1 conversation, was it also, do you think, in July?

2 A Yes.

3 Q And tell me what you recall about
4 that.

5 A We had just discussed what steps we
6 would take to hear Wally's concerns. And what
7 corrective action or what steps we would take to
8 fix the issue.

9 Q Okay. And what were those?

10 A We re-implemented another PIP.

11 Q How did you do that?

12 A We have a formal template that we use
13 within PPG, and it was -- the dates were adjusted
14 based off of when it was initiated, when the date
15 was supposed to be completed -- or the due date or
16 the completion date of the PIP. And then we
17 issued it to Wally.

18 And, also, to all -- myself, Clarence
19 and Sean were going to take a more active role in
20 being on weekly or biweekly calls with Wally, to
21 discuss his performance.

22 Q Okay. Did you participate in any
23 weekly or biweekly calls with Wally?

24 A When I could.

25 Q How often did that occur?

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

1 A I'm not sure. I don't remember. It
2 varied.

3 Q Do you know if it was on more than one
4 occasion?

5 A Yes.

6 Q Can you give me an estimate?

7 A This would be an estimate, but I would
8 assume biweekly. It was happening biweekly.

9 Q Okay. How do you keep track of your
10 calls?

11 A The -- the requirement is of the
12 manager to send follow-up e-mails --

13 Q Um-hum.

14 A -- to the employee, recapping their
15 performance.

16 Q Okay, what -- that's a requirement
17 that the manager who has placed an employee on a
18 PIP is required to do?

19 A We ask the managers to do that.

20 Q Okay. Do you know if that was done in
21 this case?

22 A I don't recall.

23 Q Why is it -- why is it important to do
24 that?

25 A That would be -- it would be to

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

19

1 how that is a violation of company policy.

2 Q Okay, was the term, falsified, used
3 during the call?

4 A Yes.

5 Q Who used that term?

6 A I did.

7 Q Okay. That's a pretty strong word,
8 isn't it, falsify?

9 MR. SCHROEDER: Objection,
10 argumentative.

11 You can answer.

12 THE WITNESS: Yes.

13 BY MR. FOX:

14 Q What basis did you have for suggesting
15 that Wally Lawson falsified his training roster?

16 A He admitted it.

17 Q What did he say?

18 A He was talking about how he said he
19 trained all these store associates from Lowe's,
20 and that, in fact, he admitted that he did not do
21 that. And he falsified people he had trained, the
22 dates he had trained them.

23 And we had outlined to him, you do
24 know that's falsifying company documents, and he
25 admitted, I know.

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

20

1 Q What did he say, exactly?

2 A I know, Andy.

3 Q In response to what -- what statement
4 by you?

5 A When I said, Wally, you know that's a
6 violation of policy for falsifying company
7 documents.

8 And he said, I know, Andy.

9 Q Did -- did he indicate that he had
10 made some mistakes in filling out his training
11 roster?

12 A Yes.

13 Q Okay. Isn't that, in fact, what he
14 said, that he had made mistakes in filling out the
15 training roster? He never admitted to falsifying
16 it?

17 A He did admit to falsifying it.

18 Q Do you have any documentation
19 supporting your recollection of that phone
20 conversation?

21 A There was an e-mail that would have
22 been shared, prior to the termination, between
23 Wally and Clarence, outlining where he falsified
24 documents.

25 Q Who was the -- who authored that

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

35

1 you not?

2 A Yes.

3 Q And were you not aware, at the time
4 you signed off on it, that Clarence Moore had
5 directed his subordinates, including Wally Lawson,
6 to commit inventory fraud?

7 A I'm not aware of that. I'm only aware
8 of it based off of what I know from this lawsuit.

9 Q Did no one advise you that Wally
10 Lawson had called the ethics hotline and reported
11 his supervisor's fraudulent activity?

12 A I was not aware of that, no.

13 Q When did you become aware of that?

14 A When this lawsuit was brought forward.

15 Q Okay. Had you known that, had you
16 known that Wally had reported that Clarence Moore
17 had directed him to commit inventory fraud, would
18 you have handled this situation differently?

19 MR. SCHROEDER: Objection, calls
20 for speculation.

21 But you can answer.

22 THE WITNESS: I mean, it would
23 have depended on everything involved, what
24 was told to him, what -- what the severity
25 was. I can't confirm.

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

40

1 Q Um-hum.

2 A And I had -- I had been aware that an
3 investigation had been reported through our ethics
4 line, that's --

5 Q Who was -- who was that other person?

6 A Snigdha Mehta.

7 Q And what is her position?

8 A She was the HR manager supporting
9 Lowe's.

10 Q And is she still with the company?

11 A No, she is not.

12 Q Where did she go?

13 A I don't recall.

14 Q Is she still in Pittsburgh?

15 A I don't recall.

16 Q When did she leave?

17 A I would be speculating, but I would --
18 I believe it was in June of 2016.

19 Q 2016, okay. Are you sure of the year?
20 Why do you think it was June of 2016?

21 A That's just from what I remember --
22 what I recall.

23 Q Okay. Was she involved in assisting
24 Clarence Moore in putting together a performance
25 improvement plan for Wally Lawson?

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

1 A She would have been, yes.

2 Q And was she involved also in
3 overseeing the implementation of the performance
4 improvement plan?

5 A She would have been, yes.

6 Q And she was also involved in the
7 internal investigation that was being done
8 regarding the inventory fraud?

9 A I'm not sure.

10 Q But you heard about it from her?

11 A Right, because she would have gotten
12 the initial complaint. But I -- I'm not sure who
13 handled the investigation.

14 Q Okay. And what did you hear about who
15 made the initial complaint? What was your
16 understanding as to who made it?

17 A It was anonymous.

18 Q Okay. Did you understand it was a
19 territory manager in the field that made the
20 complaint?

21 MR. SCHROEDER: Objection,
22 assumes facts.

23 THE WITNESS: It was anonymous, I
24 didn't know.

25

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 have given me the list of all open PIPs. We
2 wouldn't have discussed anything further.

3 Q By the way, did she leave voluntarily,
4 do you know?

5 A Yes.

6 Q And why -- how do you know that?

7 A I remember her informing me she
8 resigned.

9 Q But you don't remember where she said
10 she was going?

11 A No.

12 Q Now, did Wally contact you on more
13 than one occasion regarding the performance
14 improvement plan?

15 A I only remember him contacting me on
16 that initial time.

17 Q Okay. Do you not recall him calling
18 you and asking you for your assistance when he had
19 been castigated by Clarence Moore with regard to a
20 presentation that Wally made to a store manager?

21 A I do not recall that time.

22 Q Do you not recall Wally telling you he
23 felt that Clarence Moore had treated him in an
24 unfair, arbitrary and abusive fashion?

25 A We talked about -- we would have

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 talked about it on one of the PIP calls, review
2 calls.

3 Q What do you recall Wally saying about
4 that?

5 A I remember -- I do remember him
6 voicing that concern on a PIP call, yes. That
7 Clarence -- he felt that Clarence was tough on him
8 during a presentation that Wally was completing
9 with a Lowe's -- Lowe's store associates.

10 Q Okay. And did you say that you would
11 follow up with Clarence on that?

12 A Clarence would have been on the call
13 at that time.

14 Q Okay. Did Wally not have a call with
15 you independently?

16 A I do not recall that call.

17 Q Why do you think that Clarence was on
18 the call?

19 A Because that's when we would have had
20 the conversation.

21 I don't -- I only remember talking to
22 Wally one time, and that would have been in July,
23 when he raised his initial concerns about his PIP
24 and his concerns with Clarence managing him.

25 Q Okay. And was Snigdha still there at

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

1 A I -- I became aware of that after I
2 started managing the Lowe's team.

3 Q Okay. And was that Paul Stanton?

4 A Yes.

5 Q How did you become aware of it?

6 A Just in conversations with Clarence
7 and Sean, I knew that there was some
8 reorganization and shifting of employees working
9 for different managers, because Paul Stanton had
10 left the organization.

11 Q Okay. Why had Paul Stanton left the
12 organization, do you know?

13 A He left involuntarily. He was
14 terminated.

15 Q Why was he terminated, because of
16 realignment?

17 A No, he was on a performance
18 improvement plan.

19 Q Okay. Were you involved in overseeing
20 that?

21 A I was not.

22 Q Who was?

23 A It would have been Snigdha Mehta, at
24 that time.

25 Q Okay, do you have any knowledge of the

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

1 about your numbers, so it -- I don't know
2 when it would -- what the timing was, and if
3 it was relevant to the issue at hand with
4 Wally and his performance.

5 BY MR. FOX:

6 Q Why was Wally placed on a performance
7 improvement plan?

8 A From what I recall, it was not
9 completing the math objectives. His sales -- his
10 sales results were under performing.

11 Q Okay. When you say, his sales results
12 were under performing, can you be more specific?

13 A I don't remember what the quotas were
14 at that time, but he was not meeting plan or goal
15 for what all territory managers were set to
16 achieve with their stores.

17 Q Okay, so he was under the plan or the
18 goal for his stores --

19 A Yes.

20 Q -- is that correct?

21 A That's correct. For a period of a few
22 months.

23 Q Okay. Did that require -- did that --
24 did his -- his not reaching those -- having
25 reached those goals at that particular point in

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 time, did that require that he be put on a
2 performance improvement plan?

3 A There would have been many -- many
4 factors that we would have considered in the
5 reasons of why we put him on a performance
6 improvement plan. So that would have been one of
7 the factors, that he wasn't hitting his numbers.
8 But, also, too, there were issues with him
9 completing his monthly action plan, as well.

10 Q Okay. Well, but there -- there was no
11 written requirement that the territory manager had
12 to be put upon a written performance improvement
13 plan for not meeting particular sales metrics, was
14 there?

15 A There was a quarterly review that
16 was -- that -- where the HR and sales management
17 would review sales results to determine who was
18 under performing and who was performing
19 successfully.

20 Q Okay, was there any written policy
21 that required a territory manager to be put on a
22 performance improvement plan for failure to meet
23 any specific sales metrics?

24 A There wasn't a -- I wouldn't say it
25 was a formal policy, no.

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 would be automatically placed on a performance
2 improvement plan?

3 A That wasn't the set criteria. There
4 was a -- there was a program, there was a
5 quarterly review where managers would review the
6 sales performance results.

7 Q Do you recall Wally calling you to
8 report to you that Clarence had informed him of
9 that?

10 A Yes.

11 Q And did you advise Wally that there
12 was no such policy?

13 A He had indicated that Clarence had
14 told him it was an HR policy, and I said, no,
15 that's not an HR policy.

16 Q Okay. And did you then tell Wally
17 that you would follow up with Clarence on that?

18 A Yes.

19 Q Okay, did you do that?

20 A Yes.

21 Q Did you follow up with Clarence Moore
22 and Sean Kacsir?

23 A Yes.

24 Q Okay, but you allowed Clarence Moore
25 to put Wally on a PIP anyway?

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 A This would have been -- this would
2 have been prior to the conversation -- this --
3 Clarence -- excuse me, Wally had told me that in
4 our conversation in July.

5 But then when I had informed Clarence
6 and Sean of Wally's concerns, there was still
7 evidence that showed Wally was not performing or
8 meeting sales plan or meeting his monthly action
9 plan, so we all agreed that a PIP was still
10 needed.

11 Q I see. Did you inform Wally of that?

12 A Yes.

13 Q How did you do that?

14 A When we -- when we reissued the PIP.

15 Q I mean, did you inform him in a phone
16 conversation?

17 A I don't recall.

18 Q Did you understand that Wally was
19 looking to you, as the HR representative, to make
20 sure that he was treated fairly during the PIP
21 process?

22 A Yes.

23 Q Were you aware that Clarence Moore put
24 three of his other direct reports on performance
25 improvement plans?

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 Q Now, why was Wally Lawson's PIP
2 extended for 30 days, as indicated in the e-mail?

3 A This would have been at the time that
4 we had reissued the PIP that -- so Wally had
5 reached out to me in early July, and this was at
6 the time where we had reissued and updated his new
7 performance improvement plan.

8 Q Okay. And why was it updated?

9 A It was, you know, based off of the
10 facts that when Wally had called me we had taken
11 everything into consideration and we had -- when I
12 say, we, Sean, Clarence and myself -- to determine
13 what actions we should take with Wally, and his
14 performance -- related to his performance.

15 Q And was it perceived that he was doing
16 a better job, as indicated in the e-mail?

17 MR. SCHROEDER: Objection, vague.

18 BY MR. FOX:

19 Q Let me just direct your -- the last
20 sentence of the e-mail from Clarence Moore, to
21 Wally states, You're doing a better job, but there
22 is still so much room for improvement.

23 A Right.

24 Q That's what I was referring to. Do
25 you know what Clarence Moore meant by that?

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 A I don't recall.

2 Q Was it your perception that Wally had
3 improved his performance?

4 A Based off this e-mail, yes, it would
5 appear that he -- Wally had been performing in
6 some areas of the performance improvement plan,
7 but that might not mean the entire objectives that
8 are listed in the performance improvement plan.

9 Q Okay, but you don't know what areas he
10 had improved in?

11 A No.

12 Q Do you recall that -- just returning
13 to an area that I addressed earlier in the
14 deposition, when Wally called you to complain
15 about -- or to notify you of Clarence Moore's
16 treatment of him, after a meeting with a Lowe's
17 store manager, did he also tell you about how
18 Clarence Moore had photo bombed some women that he
19 was flirting with after the market walk?

20 MR. SCHROEDER: Objection,
21 assumes facts and mischaracterizes his prior
22 testimony.

23 BY MR. FOX:

24 Q Do you recall that?

25 A No, I do not recall that.

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 to Wally.

2 Q Did Wally ask you if he could take
3 notes?

4 A I don't recall.

5 Q Did Wally ask you, Why am I being
6 terminated, Andy?

7 A He -- he might have asked that
8 question.

9 Q Okay, and did you say that he
10 falsified the training roster -- he was being
11 terminated because he falsified the training
12 roster and because of the PIP results?

13 A I -- I informed Wally he was being
14 terminated for his inability to perform to our
15 standards set forth in the performance improvement
16 plan and for falsifying company documents.

17 Q And did Wally not respond by saying,
18 no, no, no, he did not falsify or lie regarding
19 the training roster?

20 A He was rather upset with the
21 falsification comment.

22 Q Um-hum.

23 A And did vent frustration around --
24 around the fact that that was one of the reasons
25 we terminated him for.

NETWORK DEPOSITION SERVICES
Transcript of Andrew Mayhew

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1 reported, correct?

2 MR. SCHROEDER: Objection,
3 foundation. Calls for speculation.

4 THE WITNESS: I mean, I'm
5 assuming she knew about the investigation,
6 yes.

7 MR. FOX: Okay, let's mark this
8 as Exhibit 49.

9 (Plaintiff's Exhibit No. 49 marked for
10 identification.)

11 BY MR. FOX:

12 Q Can you identify this e-mail?

13 A It was an e-mail I sent to Sean Kacsir
14 after my conversation with Wally in June.

15 Q Okay. And did Sean Kacsir respond to
16 your e-mail?

17 A I -- I believe he did, yes.

18 Q Via e-mail?

19 A Yes.

20 Q Do you recall what he said?

21 A This -- this would have gone back to
22 how he -- Sean would have indicated how Wally
23 received a high score under a prior manager.
24 That's what -- I don't remember all the details,
25 but I remember some of the details being about

EXHIBIT F

1 IN THE UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3
4
5 WALLEEN LAWSON,

6 Plaintiff,

7
8 vs. Case No. 8:18-cv-00705-AG-JPR

9
10 PPG ARCHITECTURAL FINISHES, INC.,

11 Defendant.
12
13

14 VIDEOTAPED DEPOSITION

15 OF

16 SEAN KACSIR,
17
18
19

20 taken on behalf of the Plaintiff, pursuant to Notice
21 to Take Deposition, beginning at 9:10 a.m. on the
22 28th day of March, 2019, at 1501 Westport Road,
23 Suite 100, in the City of Kansas City, County of
24 Jackson, and State of Missouri, before Ksenija M.
25 Zeltkalns, RPR, Kansas CCR No. 1461.

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1	A. This just looks like a e-mail grouping,	09:57:57
2	maybe.	09:58:03
3	Q. Okay.	09:58:04
4	A. Looks like the territory managers that	09:58:05
5	reported up to Clarence.	09:58:08
6	Q. Okay. Were there about 14 of them?	09:58:10
7	A. 14, yep.	09:58:17
8	Q. Okay. Did you have contact with all of	09:58:18
9	them at some point or do you recall?	09:58:23
10	MS. COGBILL: Objection. Vague.	09:58:28
11	A. I've met -- I met all of them, yes.	09:58:30
12	BY MR. FOX:	09:58:35
13	Q. Okay. Did they strike you as all of them	09:58:35
14	as good, honest people?	09:58:38
15	A. I don't know.	09:58:44
16	Q. Anyone who struck you as not being a good,	09:58:45
17	honest person?	09:58:48
18	A. I mean, good and honest person, I mean	09:58:50
19	that would take a long time to decide if they were	09:58:53
20	a good and honest person. I mean, they all seemed	09:58:57
21	nice.	09:59:01
22	<u>Q. Okay. Were you -- did you become aware</u>	09:59:02
23	<u>that each of the territory managers under Clarence</u>	09:59:06
24	<u>Moore were interviewed in connection with the</u>	09:59:13
25	<u>inventory fraud?</u>	09:59:19

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1	<u>A. No. I didn't know there was an inventory</u>	09:59:22
2	<u>fraud --</u>	09:59:27
3	<u>Q. Okay.</u>	09:59:27
4	<u>A. -- issue.</u>	09:59:27
5	<u>Q. You don't know that?</u>	09:59:28
6	<u>A. No.</u>	09:59:29
7	<u>Q. You didn't know that?</u>	09:59:29
8	<u>A. No.</u>	09:59:31
9	Q. Okay. You're aware that Clarence Moore	09:59:32
10	directed his territory managers to mistint the	09:59:34
11	Rescue-It product?	09:59:37
12	MS. COGBILL: Objection. Misstates facts.	09:59:39
13	A. No, he didn't do that.	09:59:40
14	BY MR. FOX:	09:59:42
15	Q. Oh, he didn't do that?	09:59:42
16	A. No.	09:59:43
17	Q. And why do you say that?	09:59:44
18	A. Just, that's -- I don't believe he would	09:59:48
19	have done that.	09:59:52
20	Q. Because -- because why? Why do you	09:59:53
21	believe he wouldn't have done that?	09:59:56
22	A. Because I didn't do it.	09:59:57
23	Q. Okay. Do you think if he did it, that	09:59:59
24	somehow implicates you?	10:00:03
25	A. No. I didn't do it, so.	10:00:05

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1	Q. Okay. Well, now I'm not sure I understand	10:01:14
2	the practice that you're talking about.	10:01:18
3	A. There's no practice.	10:01:20
4	Q. Okay.	10:01:22
5	A. So.	10:01:22
6	Q. So it would be inappropriate and wrong for	10:01:23
7	any territory manager to mistint the paint at the	10:01:31
8	stores?	10:01:35
9	MS. COGBILL: Objection. Vague.	10:01:35
10	A. Correct.	10:01:38
11	BY MR. FOX:	10:01:38
12	Q. And why is that, Mr. Kacsir?	10:01:38
13	A. Because it's not our inventory.	10:01:43
14	Q. Right. And if the paint were	10:01:47
15	intentionally mistinted, that will result in	10:01:49
16	inventory fraud on Lowe's, would it not?	10:01:53
17	MS. COGBILL: Objection. Vague.	10:01:56
18	A. If product was mistinted, it's not our	10:01:59
19	inventory to be able to do that. So I don't know	10:02:04
20	if you want to call it fraud. I mean I guess it	10:02:09
21	depends on your definition of fraud. I mean if --	10:02:13
22	our team was never instructed to tint products on	10:02:20
23	their own at any point, so.	10:02:25
24	BY MR. FOX:	10:02:28
25	<u>Q. Okay. Now, are you not aware that each of</u>	10:02:28

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1	<u>the direct reports, Clarence Moore, that are listed</u>	10:02:31
2	<u>in this exhibit, Exhibit 23, said when interviewed</u>	10:02:35
3	<u>that Clarence Moore had directed them to mistint</u>	10:02:40
4	<u>the Rescue-It product?</u>	10:02:43
5	<u>MS. COGBILL: Objection. Assumes facts.</u>	10:02:45
6	<u>A. I was not aware, no.</u>	10:02:47
7	<u>BY MR. FOX:</u>	10:02:48
8	<u>Q. Okay. This is the first time you're</u>	10:02:48
9	<u>hearing that today?</u>	10:02:50
10	<u>A. Correct.</u>	10:02:51
11	Q. Had you been told that back at the time	10:02:51
12	that this occurred, back in 2017, what would you	10:02:53
13	have done?	10:02:59
14	MS. COGBILL: Objection. Assumes facts	10:03:00
15	and calls for a hypothetical.	10:03:02
16	A. Hypothetically I would have brought it to	10:03:04
17	my supervisor.	10:03:07
18	BY MR. FOX:	10:03:09
19	Q. And that would have been Mr. Thoman at the	10:03:09
20	time?	10:03:11
21	A. Correct.	10:03:12
22	Q. And what would you have done?	10:03:12
23	MS. COGBILL: Same objections.	10:03:14
24	A. I would hypothetically have brought it to	10:03:15
25	my supervisor and gave him the facts.	10:03:17

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1	Clarence Moore had directed his territory managers	10:05:32
2	to mistint the paint?	10:05:34
3	A. I don't recall the details of that	10:05:37
4	discussion.	10:05:40
5	Q. What do you recall about that discussion?	10:05:42
6	A. I recall that he asked a lot about the	10:05:44
7	process of tinting paint and he asked a lot of	10:05:48
8	questions on how we did things and that was the	10:05:52
9	discussion. It was maybe a 30 minute discussion.	10:05:57
10	Q. And did he not ask you if you were aware	10:06:00
11	that Clarence Moore had directed that the paint be	10:06:03
12	mistinted?	10:06:06
13	A. I don't really recall the details of the	10:06:08
14	conversation, but I don't remember that question.	10:06:10
15	Q. And do you not recall being made aware	10:06:13
16	during the course of that conversation that there	10:06:16
17	was a problem in the field with mistinting paint?	10:06:18
18	MS. COGBILL: Objection. Assumes facts.	10:06:22
19	A. I was -- I was communicated a lot of	10:06:25
20	questions and -- but it was never made to me aware	10:06:27
21	that there was a big problem in the field.	10:06:33
22	BY MR. FOX:	10:06:35
23	Q. Okay.	10:06:35
24	A. It was just questions on processes.	10:06:35
25	<u>Q. And were you not aware, after having that</u>	10:06:38

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1	<u>conversation, that investigation was being done</u>	10:06:45
2	<u>about mistinting in the field?</u>	10:06:50
3	<u>A. I was not aware.</u>	10:06:52
4	<u>Q. And did you not then talk to Clarence</u>	10:06:53
5	<u>Moore after you had that phone call with</u>	10:06:56
6	<u>Mr. Dalton?</u>	10:06:59
7	<u>MS. COGBILL: Objection. Vague.</u>	10:07:00
8	<u>A. I don't recall having a conversation with</u>	10:07:02
9	<u>Clarence.</u>	10:07:05
10	BY MR. FOX:	10:07:05
11	Q. Do you remember anything about that call,	10:07:05
12	anything specifically that was discussed about	10:07:07
13	mistinting?	10:07:08
14	MS. COGBILL: Objection. Vague.	10:07:09
15	A. The question was more -- the questions	10:07:10
16	were more along the process of Lowe's, how does a	10:07:14
17	mistint happen. It was more specifics on tinting	10:07:17
18	paint. I thought it was an odd conversation.	10:07:20
19	BY MR. FOX:	10:07:34
20	Q. Did you advise Mr. Dalton that you had	10:07:34
21	instructed the market to focus on reducing Rescue-	10:07:44
22	It but had not done so in the manner used by Moore?	10:07:46
23	MS. COGBILL: Objection. Vague.	10:07:50
24	A. I don't know if I understand your	10:07:53
25	question.	10:07:55

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1	that?	10:16:15
2	MS. COGBILL: Objection. Calls for a	10:16:16
3	hypothetical.	10:16:17
4	A. I mean I don't know. I mean I don't --	10:16:21
5	BY MR. FOX:	10:16:25
6	Q. Did you expect him to?	10:16:25
7	A. I don't know what the circumstances were	10:16:30
8	under where he sent that to his team.	10:16:34
9	<u>Q. Okay. Then it further states: Dalton</u>	10:16:36
10	<u>then interviewed all of Moore's direct report TSMs</u>	10:16:50
11	<u>via phone, resulting in the information below. And</u>	10:16:56
12	<u>the first bullet point reads: All 14 stated that</u>	10:17:02
13	<u>Moore directed them to mistint Rescue-It during</u>	10:17:07
14	<u>Tuesday conference calls as well as reaffirming his</u>	10:17:11
15	<u>instructions during market walks.</u>	10:17:15
16	<u>Were you aware of that?</u>	10:17:19
17	<u>A. No.</u>	10:17:21
18	Q. Had you become aware of that at the time,	10:17:25
19	what would you have done?	10:17:28
20	MS. COGBILL: Objection. Vague.	10:17:29
21	A. I would have asked questions.	10:17:30
22	BY MR. FOX:	10:17:34
23	<u>Q. Okay. Then the next bullet point reads:</u>	10:17:34
24	<u>All 14 indicated that discussions continued during</u>	10:17:36
25	<u>several Tuesday conference calls regarding the idea</u>	10:17:40

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1 to intentionally mistint Rescue-It, old label 10:17:43

2 product, occurred in April, May, June, time frame. 10:17:48

3 Were you aware of that? 10:17:52

4 A. No. 10:17:53

5 Q. The next bullet point reads: Three TMs 10:18:00

6 admitted that they had carried out the objective to 10:18:03

7 mistint Rescue-It but later stopped when they 10:18:05

8 realized it was not the right thing to do. 10:18:08

9 Were you aware of that? 10:18:10

10 A. No. 10:18:12

11 Q. Next bullet point: 11 indicated that they 10:18:12

12 did not action the request but said they heard that 10:18:14

13 other TMs actually did it, even bragged about it 10:18:17

14 during the calls. 10:18:21

15 Were you aware of that? 10:18:23

16 A. No. 10:18:24

17 Q. Did you ever hear that TMs had bragged 10:18:24

18 about mistinting -- TMs that reported to Clarence 10:18:27

19 Moore had bragged about mistinting paint? 10:18:30

20 A. No. 10:18:34

21 Q. Next bullet point: TM Laura Sanchez was 10:18:34

22 noted by several other TMs that she expressed 10:18:38

23 strongly during the conference calls that she did 10:18:41

24 not agree with the idea and would not participate. 10:18:43

25 Were you aware of that? 10:18:46

Transcript of Sean Kacsir
Conducted on March 28, 2019

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1	MS. COGBILL: Objection. Assumes facts.	10:36:13
2	A. No.	10:36:15
3	BY MR. FOX:	10:36:16
4	Q. Did Clarence Moore not tell you that he	10:36:16
5	had a conversation where Wally used the John Dean	10:36:19
6	analogy?	10:36:23
7	MS. COGBILL: Objection. Assumes facts.	10:36:24
8	A. I don't really know what the John Dean	10:36:27
9	analogy is, but no.	10:36:30
10	BY MR. FOX:	10:36:31
11	Q. Now, you're aware that Wally blew the	10:36:31
12	whistle on Clarence?	10:36:34
13	MS. COGBILL: Objection. Assumes facts.	10:36:36
14	A. No.	10:36:38
15	BY MR. FOX:	10:36:40
16	Q. <u>You're aware that Wally made the report</u>	10:36:40
17	<u>that resulted in the investigation of the</u>	10:36:45
18	<u>mistinting?</u>	10:36:49
19	<u>MS. COGBILL: Objection. Assumes facts.</u>	10:36:50
20	<u>BY MR. FOX:</u>	10:36:51
21	<u>Q. By Clarence Moore?</u>	10:36:51
22	<u>MS. COGBILL: I apologize.</u>	10:36:53
23	<u>BY MR. FOX:</u>	10:36:53
24	<u>Q. Are you not?</u>	10:36:53
25	<u>MS. COGBILL: I apologize. Assumes facts.</u>	10:36:55

Transcript of Sean Kacsir
Conducted on March 28, 2019

70

1	<u>A. I am -- I'm only aware because I got an</u>	10:36:59
2	<u>e-mail saying that Wally was suing PPG and it's --</u>	10:37:01
3	<u>there's something stated to the fact that in that</u>	10:37:08
4	<u>document.</u>	10:37:11
5	BY MR. FOX:	10:37:12
6	Q. Now, had you known that Wally had reported	10:37:12
7	Clarence Moore for directing inventory fraud, would	10:37:15
8	you have allowed Clarence Moore to continue to	10:37:20
9	supervise Wally and put him on a Performance	10:37:25
10	Improvement Plan?	10:37:27
11	MS. COGBILL: Objection. Assumes facts.	10:37:28
12	Calls for a hypothetical.	10:37:30
13	A. I don't know. I mean, I didn't know that	10:37:31
14	he did, so I'm not sure what I would have done.	10:37:35
15	BY MR. FOX:	10:37:39
16	Q. Okay. Don't you think it would have been	10:37:39
17	appropriate then to put Wally under someone else's	10:37:41
18	supervision?	10:37:46
19	MS. COGBILL: Same objections.	10:37:46
20	A. For why? Why would I -- why would I want	10:37:50
21	to do that?	10:37:52
22	BY MR. FOX:	10:37:54
23	Q. Because Wally had blown the whistle on	10:37:54
24	Clarence?	10:37:57
25	MS. COGBILL: Same objections.	10:37:58

Transcript of Sean Kacsir
Conducted on March 28, 2019

71

1	A. I wasn't aware that that had happened so	10:37:59
2	it's a hypothetical.	10:38:02
3	BY MR. FOX:	10:38:03
4	Q. I'm asking if you were aware what would	10:38:03
5	you have done?	10:38:06
6	A. You know, every situation is different, so	10:38:07
7	I mean, I would have to have all the facts before I	10:38:09
8	made a hypothetical.	10:38:12
9	Q. Wouldn't you have put Wally under the	10:38:13
10	supervision of another supervisor? That's my	10:38:16
11	question.	10:38:19
12	A. I don't know the facts of the situation,	10:38:19
13	so no.	10:38:21
14	<u>Q. Okay. Would you not have been concerned</u>	10:38:23
15	<u>that Clarence would retaliate against Wally for</u>	10:38:28
16	<u>Wally's report that Clarence had directed that</u>	10:38:32
17	<u>inventory fraud be committed?</u>	10:38:35
18	<u>MS. COGBILL: Objection. Assumes facts.</u>	10:38:37
19	<u>Calls for speculation.</u>	10:38:39
20	<u>A. Yeah. I didn't know there was inventory</u>	10:38:39
21	<u>fraud or a whistleblower.</u>	10:38:42
22	BY MR. FOX:	10:38:44
23	Q. Okay. Well, now you do. Now you know it,	10:38:44
24	right?	10:38:47
25	MS. COGBILL: Objection. It assumes	10:38:47

Transcript of Sean Kacsir
Conducted on March 28, 2019

79

1	A. What do you mean by low performing?	10:47:27
2	BY MR. FOX:	10:47:29
3	Q. Stores that weren't doing that well.	10:47:29
4	A. To prior year?	10:47:32
5	Q. Historically.	10:47:34
6	A. I mean, I guess you'd have to be more	10:47:38
7	detailed because we -- are they talking low comp	10:47:41
8	performance from prior year?	10:47:47
9	Q. Stores that were later closed because of	10:47:48
10	lack of sales performance in general.	10:47:50
11	A. Okay. I wasn't aware that stores closed	10:47:52
12	but if it's prior year, I mean we don't -- we're	10:47:54
13	not privy to total store prior year sales so I	10:47:59
14	don't know how anybody would be able to say it's a	10:48:02
15	good or bad store.	10:48:05
16	Q. Okay. So you're not aware that Wally had	10:48:06
17	two stores that were given to him that later	10:48:08
18	shortly thereafter closed?	10:48:11
19	MS. COGBILL: Objection. Vague.	10:48:12
20	A. No.	10:48:13
21	THE REPORTER: And your answer?	10:48:15
22	THE WITNESS: No.	10:48:18
23	BY MR. FOX:	10:48:28
24	<u>Q. When someone is put on a Performance</u>	10:48:28
25	<u>Improvement Plan, are there procedures that the</u>	10:48:32

Transcript of Sean Kacsir
Conducted on March 28, 2019

80

1 company has in place that have to be adhered to? 10:48:34

2 MS. COGBILL: Objection. Vague. 10:48:38

3 MR. FOX: I don't know how it's vague. 10:48:41

4 BY MR. FOX: 10:48:43

5 Q. Do you not understand that question? 10:48:43

6 A. I mean, it is. 10:48:46

7 Q. Is it vague to you? 10:48:47

8 A. It is a little bit. I mean there are some 10:48:49

9 procedures that we have in place, yes. 10:48:51

10 Q. Okay. And what are those procedures? 10:48:53

11 A. We have to get with our human resource 10:48:54

12 director and put together -- our regional manager 10:48:57

13 would have to put together a Performance 10:49:02

14 Improvement Plan and it would have to be approved 10:49:04

15 by the HR associate. 10:49:09

16 Q. Okay. And is the Performance Improvement 10:49:11

17 Plan for a defined length of time? 10:49:14

18 A. No. Every associate is different. They 10:49:19

19 do start with a, I believe 30-60-90 but sometimes 10:49:21

20 it's not 30, 60 or 90. Sometimes they get 10:49:27

21 extended. I guess every situation is different. 10:49:32

22 Q. Okay. Now, when someone's put on a 10:49:36

23 Performance Improvement Plan, based on your 10:49:38

24 experience at PPG -- 10:49:40

25 A. Um-hm. 10:49:41

Transcript of Sean Kacsir
Conducted on March 28, 2019

81

1	<u>Q. -- is that -- does that mean it's a death</u>	10:49:41
2	<u>knell for their career?</u>	10:49:44
3	<u>A. It's really not. I mean, it's meant to</u>	10:49:45
4	<u>improve deficiencies and, I mean, the goal is to</u>	10:49:48
5	<u>not -- is to stay with the company.</u>	10:49:59
6	<u>Q. Okay. Do you think when Wally was put on</u>	10:50:00
7	<u>his Performance Improvement Plan that anyone was</u>	10:50:03
8	<u>thinking about terminating him at some point?</u>	10:50:07
9	<u>A. I would say the goal was to not terminate</u>	10:50:09
10	<u>him.</u>	10:50:12
11	Q. Okay. And did you suggest that there be	10:50:13
12	any regular meetings between Wally and his	10:50:25
13	supervisors or HR after Wally was placed on a	10:50:31
14	Performance Improvement Plan?	10:50:35
15	A. Part of the improvement process is to have	10:50:38
16	a regular communication, whether it's weekly, every	10:50:40
17	other week, but they should be having phone calls	10:50:45
18	to discuss the Performance Improvement Plan.	10:50:49
19	Q. And you think it might be required as	10:50:53
20	often as weekly?	10:50:56
21	A. It can be. It's not a -- it's not a	10:50:58
22	defined practice. It's something that I think it's	10:51:02
23	a good practice.	10:51:06
24	Q. What -- what was the practice for Wally?	10:51:06
25	A. I don't recall. I know he had	10:51:10

Transcript of Sean Kacsir
Conducted on March 28, 2019

110

1 metrics requirements for the TMs? 11:27:28

2 A. We had sales metrics. 11:27:33

3 Q. Were there requirements that they had to 11:27:35

4 meet certain defined metrics or they would be put 11:27:39

5 on a PIP? 11:27:41

6 A. There was no defined rule that they had to 11:27:43

7 be put on a PIP. 11:27:46

8 Q. Okay. 11:27:47

9 A. It was a -- it was a guideline. 11:27:47

10 Q. So if someone told them that they had to 11:27:49

11 be put on a PIP if they had missed like a certain 11:27:52

12 number of months in sales, that would be -- that 11:27:58

13 would be a false statement? 11:28:05

14 MS. COGBILL: Objection. Assumes facts. 11:28:06

15 Calls for speculation. 11:28:08

16 A. We had quarterly calls with HR and there 11:28:09

17 was a certain number of months if you missed in a 11:28:15

18 year, in a 12-month rolling, that certain territory 11:28:21

19 managers would be suggested to be put on a PIP. 11:28:26

20 And then at that point the regional and myself and 11:28:29

21 HR had a discussion, each associate, the HR. 11:28:33

22 BY MR. FOX: 11:28:38

23 Q. Okay. But that was discretionary as to 11:28:38

24 whether or not to put them on a PIP? 11:28:42

25 A. That was discretionary, yes. 11:28:44

Transcript of Sean Kacsir
Conducted on March 28, 2019

133

1 a demo the right way. Maybe they did a really good 12:00:35
2 job in one store, maybe they didn't do a good job 12:00:40
3 in the other store where you could come in the 12:00:43
4 middle of that. 12:00:45
5 Q. Okay. You didn't sit down and review the 12:00:46
6 market walks to determine whether or not Clarence 12:00:49
7 Moore had issued appropriate ratings? 12:00:52
8 A. The one I can speak on is the one that I 12:01:00
9 conducted with him and I felt he was a fair -- he 12:01:03
10 gave a fair market walk. 12:01:06
11 Q. Okay. Based upon your earlier testimony? 12:01:07
12 A. Correct. 12:01:09
13 Q. Was there a provision in the market walk 12:01:12
14 form for making improvements? 12:01:14
15 MS. COGBILL: Objection. Vague. 12:01:22
16 A. What do you mean by that? Like a 12:01:22
17 provision? I don't know if there was points for 12:01:26
18 it. 12:01:30
19 BY MR. FOX: 12:01:37
20 Q. So let me -- let me restate it. Well, let 12:01:37
21 me just show you. This was marked as Moore Exhibit 12:01:40
22 40. This appears to be one of the market walks. 12:01:44
23 And in the form there's, if you turn to the 12:01:54
24 third -- fourth page of the form, looks like there 12:02:00
25 are -- there's an area for commentary, areas of 12:02:03

Transcript of Sean Kacsir
Conducted on March 28, 2019

1 CERTIFICATE

2 OF

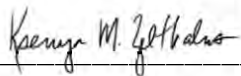

3 REPORTER

4 STATE OF MISSOURI

5 I, Ksenija M. Zeltkalns, a Certified
6 Shorthand Reporter, Comissioned as such by the
7 Supreme Court of the State of Missouri, and
8 authorized to take depositions, certify that the
9 foregoing was reported by stenographic means, which
10 matter was held on the date, and the time and place
11 set out on the title page hereof and that the
12 foregoing constitutes a true and accurate
13 transcript of the same.

14 I further certify that reading and signing
15 was requested, I am not related to any of the
16 parties, nor am I an employee of or related to any
17 of the attorneys representing the parties, and I
18 have no financial interest in the outcome of this
19 matter.

20 Given under my hand and seal this 9th day
21 of April, 2019.

22
23
24  

25 Ksenija M. Zeltkalns
C.C.R. No. 1356

S266001

EXHIBIT G



Printed 06/16/2017

Compliance Portal



0138aa17: Other - Long Beach, CA, United States

This issue has been Closed

Resolution Type
Substantiation Undetermined

Notes
Closed case due to lack of information after not getting response back from the reporter.

19

Days Old

Overview

Issue Summary

Provided by Reporting Party 4/21/2017 9:39 AM

Organization Name
PPG Industries

Relationship to Organization
I am currently an employee

Issue Types
Current Issue Types
Other

Intake Method
Web

Reported as
Other

Location
Long Beach, CA, United States

Submitted
4/21/2017 9:39 AM

General Timeframe
4/18/2017 9:00 AM

Involved Parties
Current Involved Parties

Department
Unspecified

Description
###_MISSING_LOCALIZED_RESOURCE_###

Reported As:
supervisor requesting that territory managers purposely mis-mix product (paint) for the purpose of getting rid of a slow moving product off the shelves and selling it at a reduced price.

Reporting Party Survey Responses

Q: Did the incident or violation occur more than once?
A: Yes

Q: Was anyone outside the organization involved in the violation?
A: No

Q: How many times did it occur?
A: +3 times so far

Q: Has the incident been reported to anyone in supervision or management?
A: No

Q: Was there anyone injured?
A: No

Q: Has the incident been reported to anyone outside the organization?
A: No

Q: Was there any property damage?
A: No

Q: Is anyone else aware of this violation?
A: Yes

Q: Did anyone else witness this incident?
A: Yes

Customer Reference Number

Status

Closed

Last Closed Date

6/16/2017 3:16:44 PM

Issue Owner

David Duffy

Severity

Low

Related Issues

Related Policies

7

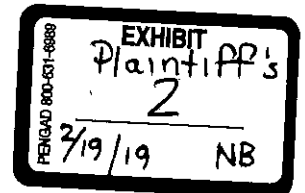
People with access to this issue
Manage allowed users for this issue

0

People denied access to this issue
Manage denied users on this issue

About the Reporting Party

Neither Convercent Staff nor your organization will receive your contact information



Q: Who else is aware?
A: other territory managers

Q: Who are the witnesses?
A: other territory managers

Q: How did they become aware?
A: were told on a conference call

Q: Are you a current employee of the organization on which your report is based?
A: Yes

Involved Parties and Allegations

Other

Issue/Case Source

Please Choose a Category:
Unspecified

Country Hierarchy

Please Choose a Country:
Unspecified

Regional Hierarchy

Please select a Region
Unspecified

Business Unit

PPG Business Unit:
Unspecified

Global Code of Ethics

Primary GCOE Issue:
Unspecified

If more than one apply, please list all applicable categories here:
Unspecified

Issue Confirmation

Issue Confirmation
Unspecified

Report Status

Issue Report Status
Unspecified

Privileged Status

Privileged & Confidential
Unspecified

PPG Case Summary

Please provide a brief summary:
Unspecified

Messages

Messages Visible to the Reporting Party



David Duffy
03:14 pm 5/19/2017

- Thank you for contacting the PPG Ethics Helpline regarding your concern. As with any call to the Ethics Helpline, our intent is to conduct a thorough review into the reported concern. Unfortunately we requested additional information from you and have not heard back from you. At this point, we have decided to close the review. If additional details / information becomes available, we will consider re-opening the review. Regards, PPG Ethics and Compliance Office



Erin Mattheis
08:26 am 4/26/2017

- There is not a store in Long Beach, CA -- can you provide a more accurate location for us to focus on?



Erin Mattheis
10:36 am 4/21/2017

- Thank you for contacting the PPG Ethics Helpline. Your ethics concern has been received and is currently under review by appropriate PPG resources. Regards, PPG Ethics and Compliance Office



Reporting Party
08:39 am 4/21/2017

- This thread was created automatically for you to communicate with the organization.

Internal Team Messages

No Messages

Open Tasks

No Active Tasks

Attachments

Attachments visible to reporting party



No Attachments visible to Reporting Party

Internal Team Attachments



No Attachments visible to Internal Team Only

Investigations

No Active Investigations

O212aa17-PPG Lowes

On June 15th, 2017 a call was received through the PPG Ethics Hotline in which the caller stated the following:

PPG Lowes Regional Manager (Clarence Moore) requested Territory Managers miss-mix 2-3 gallons of Rescu- It product per day in order to avoid issuing a credit to Lowes and that the TM's should cover the Lowes paint department while the Lowes team is on break/lunch to provide opportunity to miss-mix the paint.

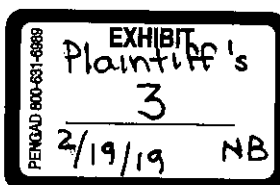
On July 6, 2017 PPG Forensic Specialist Ian Dalton met with RM Clarence Moore and interviewed him regarding the above mentioned allegations. Moore stated the following in response to Dalton's questions:

- Mr. Moore admitted that his team discussed mis-tinting old label Rescue It product that was approaching the expiration date.
- Mr. Moore acknowledge that he was aware of the practice but did nothing to stop the behaviors of his TMs.
- Mr. Moore indicated that he could not recall how this idea was brought up but advised that he did not generate the idea, nor did he do anything to stop it.
- Mr. Moore believes that approximately 70 – 80 units of Rescue It was handled in this fashion but it could have been more.
- Mr. Moore stated that he had not sought nor received direction/approval from his supervisor to allow this practice to be used.

Moore was instructed at that time to inform his team that this practice was to cease immediately. Moore has provided a statement regarding his actions.

Dalton then interviewed all of Moore's direct report TSM's via phone resulting in the information below:

- All 14 stated that Moore directed them to mis-tint Rescue-It during Tuesday conference calls as well as reaffirming his instructions during market walks.
- All 14 indicated that discussions continued during several Tuesday conference calls regarding the idea to intentionally mis-tint Rescue-It (old label) product. (Occurred in April – May – June timeframe)
- 3 TMs admitted that they had carried out the objective to mis-tint Rescue-It – but later stopped when they realized it was not the right thing to do.
- 11 indicated they did not action the request but said they heard that other TMs actually did it – even bragged about in during the calls.
- TM Laura Sanchez was noted by several other TMs – that she expressed strongly during the conference calls that she did NOT agree with the idea and would not participate.
- Note: Dalton was unable to substantiate a reliable number to determine the scope of the problem as reported. The earlier estimate of 70 – 80 units was Mr. Moore's estimate only.
- All TM's stated that they had been instructed to cease this practice as of July 7, 2017.



Dalton interviewed Moore's direct supervisor Sean Kacsir regarding the above. Kacsir stated that he had instructed the market to focus on reducing Rescue-It but had not done so in the manner used by Moore. Kacsir then stated though that it was common practice for TSM's to mis-tint product that was aged or at very low inventory levels, doing so to open shelf space for new product. Kacsir stated that this practice was done in conjunction with Lowes management and only with their prior knowledge and approval. Soon after Kacsir contacted Dalton with concern that the same practice might be active in his Houston market. Kacsir stated that a Houston market TM had contacted him with concern that the RM Brian Wells had given instruction to mis-tint product (Assure base 2). Dalton interviewed the concerned TM as well as other TM's from the market all of which stated that he had instructed them to mistint product. All TM's stated that they were instructed to do so but only with Lowes management's knowledge and approval.

Message

From: Duffy, David [Duffy, David]
Sent: 6/29/2017 10:25:07 AM
To: Dalton, John [dalton@ppg.com]
CC: Sanchez Monjaraz, Alejandro [asanchezmon@ppg.com]
Subject: Phoenix - Lowes Investigation 0212aa17

Ian – Good Afternoon

I hope that all is well in Lake Charles.

I sent over the information I had on the concern in the USCA Home Centers – Lowes issue. I am still waiting to hear back from Michele Minda (HRD) on Clarence's schedule next week. Michele will try to have this later today.

We can discuss on Friday or Wednesday – your convenience.

Bottom line – need to interview Regional Sales Manager Clarence Moore regarding instructions to purposefully mis-tint the Rescue It product to move the Generation 1 (old label) product off the shelves. As you can see the reported did call us back and provided the information below.

Alejandro – we asked for Ian's assistance on this current Helpline investigation. Ian has a relationship with the subject – Clarence Moore from previous matter investigated in 2016. Based on the fact that this requires an in-person interview and perhaps follow-up with several Territory Managers working for Clarence via the phone – Ian is the perfect person to handle the investigation.

Please let me know if you have any questions / concerns.

The reporter was kind enough to provide a phone number on the posted message last night. I spoke to the reporter this afternoon. The reporter did not provide a name - since they were still concerned about remaining anonymous. The reporter did not provide any names of other Territory Managers that share his same opinion about this being un-ethical.

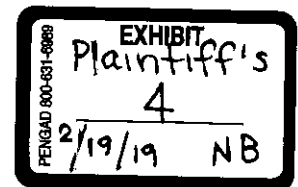
The reporter relayed:

- That the instruction was given on three separate Tuesday conference calls with the RSM – starting in April.
- Several of the TMs are actively engaged in the miss-mix process and actually bragged about it on the calls.
- The RSM – reiterated to do this on the down low and tell Lowes if questioned "the customer never came back" as the reason for the miss-mix.
- Was not aware of any inventory movement reports that were available to track the this activity.
- Advised that he spoke with a TM in the Salt Lake region – where a similar message had been relayed.

I advised the caller to keep us informed if anything changes or if new information comes to light. I thanked him for providing the information and for choosing to contact the helpline a second time.

I will provide this to Ian for his discussion with Mr. Moore next week.

Thanks and let me know if you have any questions.





Wallen



next week as I will be up north the beginning of the week. Have a great weekend!

Jul 6, 2017, 3:14 PM

Effective immediately !!! Please do not mistint Rescue It product any more.



EXHIBIT Plaintiff's 6 2/19/19 NB PENGAD 900-681-6868



SON000125



PPG Architectural Coatings

Employee Handbook

For

National Accounts Non-Exempt Employees

Lowe's, Menard's & Tier 2 Field Sales Teams

EXHIBIT 32
Moore
3/19/2019
Cindy Mahoney, RMR

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Introduction

EMPLOYEE ACKNOWLEDGEMENT OF HANDBOOK RECEIPT

I hereby acknowledge receipt of this Employee Handbook containing the currently effective policies and procedures for PPG National Accounts employees. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures in the Handbook. I also understand that I have the opportunity to ask questions about any policy or procedure in this Handbook that is unclear to me

I understand that this Handbook contains confidential information to be used only by employees of PPG and that I am not permitted to make copies of any portion of this Handbook without the written permission of my immediate supervisor.

I also understand and agree nothing in this Handbook should be construed as a contract between PPG and any of its employees. I further understand and agree that nothing in this Handbook should be construed as a guarantee of employment, express or implied, for any specific period of time. The Company reserves the right to amend, modify, cancel or terminate any or all provisions referenced in this Handbook without advance notice.

WITNESS

EMPLOYEE'S SIGNATURE

DATE

PRINT EMPLOYEE'S NAME

PREFACE

Nothing in this Handbook should be construed as a contract between PPG and any of its employees. Further, nothing in this Handbook should be construed as a guarantee of employment, express or implied, for any specific period of time. No supervisor, manager or representative of PPG, other than with the express written pre-approval of the Compensation and Employee Benefits Committee, has the authority to enter into any agreement for employment for any specified period of time.

All changes to handbook will be made available to all employees. Employees are responsible for knowing and adhering to all policies and procedures in the handbook.

In reading the handbook, it should be noted that the "Company" refers to PPG/PPG Architectural Coatings. It should also be noted that the Human Resources Department will be referred to as "HR." Additionally, the Environmental, Health and Safety Department will be referred to as "EHS "

This handbook covers the PPG Architectural Coatings non-exempt employees in National Accounts .

RESOLVE – RULES AND PROCEDURES

A. Covered Employees

Resolve applies to all current and former U.S. employees of PPG who are not represented by a union.

B. The 4 Steps of Resolve

Step 1 – Open Door / Local Programs

1. Description: Each PPG employee has access to local management and Human Resources representatives through an open door process that encourages employees to discuss and attempt to resolve work-related problems. Some locations have unique dispute resolution programs, which go beyond the traditional “open door” process. These open door processes and local programs make up Step 1 of *Resolve*. Because these programs vary, further details are not set forth here. For all Step 1 disputes, a response will be communicated to the employee by local and/or SBU management. Employees should become familiar with the Step 1 process applicable to them. Information about the Step 1 process is available from your local Human Resources representative.

2. Limited Exception: *Resolve* typically works best if problems are addressed with local management or your Human Resources representative at Step 1. However, if an employee is not comfortable discussing his or her concerns within the available local channels, the employee may contact the Resolve Administrators in General Office at 412-434-2009. Employees may also call the Ethics Hotline at 1-800-742-9687.

3. Time for Submission of Claims: As a general principle, the earlier an employee brings an issue to management’s attention the sooner appropriate action can be taken. PPG may decline to consider Step 1 claims that are not brought within a reasonable time, generally within 300 days, after they arise.

Step 2 - Corporate Facilitation

1. Description: If the employee's dispute is not resolved at Step 1, the employee may request Corporate Facilitation. In Corporate Facilitation, a trained PPG Facilitator will be assigned by the Resolve Administrators to work with the employee and local or SBU management. The primary role of the Facilitator is to work with the stakeholders in an effort to facilitate a solution and to provide an objective and impartial evaluation of the dispute. At the conclusion of Step 2, the Facilitator will provide a written report and recommendation.

2. Submission of Request and Time Limits: To initiate Corporate Facilitation, the employee must complete and sign the Step 2 – Corporate Facilitation Request Form and submit it to the *Resolve* Administrators within 60 days of the conclusion of Step 1. The Corporate Facilitation Request Form is available from your Human Resources representative or on the PPG Intranet under Human Resources, Forms and Policies. The form must contain a brief description of the problem or dispute and the proceedings at Step 1. Except in limited circumstances where the employee is not comfortable addressing the claim with local management or Human Resources,

claims that have not been pursued through Step 1 will be referred back to that step. The determination whether a claim will be referred back to Step 1 will be made by the *Resolve* Administrators

3. Facilitator's Response: The *Resolve* Administrators or the designated Facilitator will provide the employee with a written report on the results of the facilitation, which will include a response to the employee's claim and any recommendations for resolving the dispute. This will be submitted as soon as practicable, generally within 60 days of the employee's submission of the Step 2 Request Form

Note: Step 2 is the Final Step for Non-Covered Claims. (See definition of "Covered Claims" below.)

Step 3 – Voluntary Mediation (Covered Claims Only)

Only Covered Claims will be considered for Step 3 - Mediation. Covered Claims will not be processed at Step 3 unless the employee submitted such claims to Step 1 or Step 2, as appropriate or unless approved to do so by the company.

1. Description: Voluntary Mediation is an attempt to resolve an employee dispute with the assistance of a neutral third party not employed by PPG. Participation is completely voluntary for both the employee and PPG, and the mediator's role is strictly advisory. The mediator may offer suggestions and question the parties, but he or she is not empowered to make decisions. The resolution of the dispute rests solely with the parties themselves. Mediation is a process that seeks to find common ground for the voluntary settlement of covered claims.

2. Submission of Request for Mediation and Time Limits: If the dispute is not resolved through Steps 1 and 2 and the dispute is a Covered Claim, the employee may request Voluntary Mediation by submitting a signed Mediation/Arbitration Request Form to the *Resolve* Administrators within 30 calendar days from the receipt of PPG's written response at Step 2. In the Request Form, which is available from a Human Resources representative or on the PPG Intranet under Human Resources, Forms and Policies, the employee must briefly describe the nature of the covered claim(s). PPG will acknowledge receipt of the Step 3 request and, if PPG also agrees to participate in mediation, contact the employee regarding the selection of a mediator. Otherwise, PPG will notify the employee in writing that it does not wish to mediate the dispute, in which case the employee may request arbitration of the Covered Claim under Step 4.

3. Selection of Mediator and Conduct of Mediation: The employee (or employee's legal counsel) and the *Resolve* Administrators (or their designee) will select a qualified mediator informally through any mutually agreeable procedure. The parties will agree on a date, time and place for the Voluntary Mediation as well as the procedures to be used, such as submission of confidential pre-mediation statements. Either the parties or the mediator may terminate the mediation at any point. The mediation will be completely confidential and nothing written or said during the mediation may be submitted or used in later proceedings.

4. Costs and Fees: If PPG and the employee agree to mediation, the costs and fees for the mediation will be shared equally by the parties, unless otherwise agreed to in writing.

Step 4 – Mutually Binding Arbitration (Covered Claims Only)

Only Covered Claims will be processed at Step 4 - Mutually Binding Arbitration. Step 4 is a voluntary but final and binding method for resolving Covered Claims. Only Covered Claims will be considered for Step 4 – Mutually Binding Arbitration. Covered Claims will not be processed at Step 4 unless the employee submitted such claims to Step 1 or Step 2, as appropriate, or unless approved to do so by the company

1. Description: Mutually Binding Arbitration is a dispute-resolution process in which the employee and PPG present their respective positions concerning the employee's claims to an impartial third-party arbitrator, who determines the merits of the employee's claims. Both parties have the opportunity to be represented by an attorney, to make opening statements, to present the testimony of witnesses, to introduce exhibits, to cross-examine the other party's witnesses, to make objections to evidence being offered and to make closing statements. Arbitration differs from mediation in that the arbitrator decides the merits of the employee's claims and issues a written decision, which is final and binding on both parties.

2. Submission of Request for Mutually Binding Arbitration and Time

Limits: If the dispute is not resolved at Step 3, or if either the employee or PPG does not agree to participate in Voluntary Mediation, the employee may request arbitration by submitting a Mediation/Arbitration Request Form to the *Resolve* Administrators within 30 calendar days from the receipt of PPG's written response at Step 2 or, if the employee and PPG agreed to participate in Step 3 – Voluntary Mediation, within 60 calendar days from the receipt of the mediator's report of the conclusion of the mediation. In the Request Form, the employee must include a brief but thorough description of the nature of the claim, the damages alleged, and the remedy sought.

3. Selection of Arbitrator and Arbitration Procedures: If PPG and the employee agree to arbitrate the employee's claim, they will enter into a written arbitration agreement, which will include such matters as the process for selection of an arbitrator, the procedures to be followed for the conduct of the arbitration and the sharing of costs and fees.

The Role of Legal Counsel

There is no provision for participation by an attorney at Steps 1 and 2 of the process. Employees may choose to have an attorney present at Step 3, although it is not necessary. If an employee does not bring a lawyer to the Step 3, PPG will not either. However, if the employee brings a lawyer with him/her, the employee does so at his/her own expense and PPG reserves the right to do so as well. Employees also may be represented by a lawyer at Step 4. PPG will be represented by a lawyer at arbitration regardless of whether or not the employee is represented.

Filing Charges with Government Agencies

Nothing in this Policy is intended to discourage or interfere with the legally protected rights of employees to file administrative claims or charges with government agencies. Such agencies include, but are not limited to, the Equal Employment Opportunity Commission ("EEOC") or equivalent state or local agency, the Office of Federal Contract Compliance Programs

("OFCCP"), the National Labor Relations Board ("NLRB"), and the Occupational Safety and Health Administration ("OSHA"). Neither the *Resolve* program nor any time limits set forth in it is intended to extend or toll any time limit for the filing of an administrative claim or court action

Global Code of Ethics

Resolve does not replace PPG's Global Code of Ethics or the policies referenced therein. Employees have a continuing responsibility to report violations of these policies as provided in the Global Code of Ethics or through the PPG Ethics Hotline (1-800-742-9687).

Resolve Administrators

A team of managers from the Employee and Labor Relations and Law Departments serve as the *Resolve* Administrators. The *Resolve* Administrators' duties include assigning a Facilitator to the employee's claims at Step 2, processing requests for mediation and arbitration and answering questions about the process. You can contact the *Resolve* Administrators at:

Resolve Administrator

One PPG Place

Pittsburgh, PA 15272

(412) 434-2009

Covered Claims

While employees may submit any employment-related dispute at Steps 1 and 2 except for Excluded Claims (defined below), only Covered Claims are acceptable for submission to Steps 3 and 4. Covered Claims are civil claims arising from the employment relationship, brought by a present or former employee against PPG and/or individual managers or supervisors acting within the scope of their employment, which would be actionable in a court of law having jurisdiction over the claims. These include, for example, (without limitation) employment discrimination, retaliation and harassment claims based on age, race, color, national origin, ancestry, religion, sex, pregnancy, disability, veteran status, or any other legally protected status; claims relating to the Family and Medical Leave Act, claims relating to the Fair Labor Standards Act; whistle-blower and wrongful discharge claims; claims for breach of contract and claims relating to workplace accommodation of physical or mental disabilities or religious beliefs

Excluded Claims

The following claims are specifically excluded from the definition of "Covered Claims" under *Resolve* and may not be brought through the *Resolve* process: claims for benefits under a company-sponsored benefit plan covered by the Employment Retirement Income Security Act of 1974 ("ERISA"); workers' compensation or unemployment compensation claims; claims challenging business decisions such as decisions to restructure, reorganize, downsize or divest in a business, unless such decision is alleged to have violated the employee's legally protected right; claims against an individual supervisor or manager not made against PPG that do not involve conduct within the scope of the supervisor's or manager's employment; claims that seek

to establish, modify or object to PPG's policies, except for claims that allege discriminatory application or impact of such policies; and claims not raised in a timely manner under the *Resolve* Policy and Procedure. Employees who have received benefits under the Salaried Severance Plan in exchange for signing a Separation Agreement and Release are also ineligible to participate in any step of *Resolve*. The *Resolve* Administrators have the sole discretion to determine whether a claim is a Covered Claim.

Individual Claims Only

At all steps of the *Resolve* process, employees' claims will be reviewed and considered on an individual basis; therefore, claims of more than one employee cannot be combined together. No Covered Claim may be brought as a class or collective action under *Resolve*.

Non-Retaliation

All PPG employees are prohibited from retaliating against any other employee for submitting a problem or dispute to the *Resolve* process or for participating in *Resolve* as a witness or otherwise. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

SALARY PAYMENT POLICY

It is PPG's policy and practice to compensate employees accurately and in compliance with all applicable laws. Accordingly, we make every effort to ensure that our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we will promptly make any corrections necessary. Please review your pay stub or deposit advice when you receive it to make sure it is correct. If you believe that a mistake has occurred or if you have any questions, please follow the reporting procedure discussed further below.

Your job is classified under the law as being non-exempt. Therefore, you will be paid for all approved overtime you work in excess of 40 hours per week (or more than 8 in a day if your state requires). Government regulations and PPG policy requires that you maintain an accurate written record of the total hours that you work. You must record the total hours that you work each day on a time sheet and enter your time worked on at least a weekly basis in the Time Management System (TMS). Your time record must accurately reflect all regular and overtime hours worked, any absences, late arrivals and early departures. When you receive each pay stub or deposit advice, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek. (See Time Keeping policy for more information).

To Report Concerns or Obtain More Information

If you believe that an improper deduction has been made or your pay does not accurately reflect your hours worked, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact the HR department. If you are unsure of whom to contact or if you have not received a satisfactory response within five business days after reporting the incident, you should file a complaint under *Resolve*, PPG's Employee Dispute Resolution Process or contact the PPG Ethics Hotline.

Every report will be fully investigated. If it is determined that an improper deduction or other mistake has been made, you will be reimbursed and any other appropriate corrective action will be taken.

Violations of Policy

Violations of this policy directly affect PPG's compliance with federal and state laws and regulations and will not be tolerated.

Violations of this policy by any manager, supervisor or employee will result in disciplinary action, up to and including discharge. In addition, PPG will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Company's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

SECTION III
WORK RULES, PRACTICES, AND
PROCEDURES

GUIDELINES FOR APPROPRIATE CONDUCT

As an integral member of the PPG team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others but also demands that you refrain from any behavior that might be harmful to you, your coworkers, and/or PPG, or that might be viewed unfavorably by current or potential customers, or by the public at large.

Whether you are on or off duty, your conduct reflects on PPG. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

The following is to provide examples and is not an exclusive list of inappropriate behavior. Any type of like, similar or other misconduct may also result in discipline. Types of behavior and conduct that PPG considers inappropriate include, but are not limited to, the following:

1. Falsifying employment or other PPG records.
2. Violating PPG's nondiscrimination and/or anti-harassment policy.
3. Soliciting or accepting gratuities from customers or clients.
4. Establishing a pattern of excessive absenteeism or tardiness.
5. Engaging in excessive, unnecessary, or unauthorized use of PPG's supplies and equipment, particularly for personal purposes.
6. Reporting to work under the influence of alcohol, drugs, or other intoxicants
7. Illegally manufacturing, possessing, using, selling, distributing, or transporting drugs or substances purported to be drugs.
8. Bringing or using alcoholic beverages on PPG property or using alcoholic beverages while engaged in PPG business off PPG's premises, except where authorized.
9. Fighting or using obscene, abusive, hostile, or threatening language or gestures
10. Stealing property from co-workers, customers, suppliers, clients or PPG
11. Having unauthorized firearms or other weapons on PPG premises, in PPG-provided vehicles or while on PPG business.
12. Disregarding safety, health, environmental or security regulations.
13. Engaging in insubordination.
14. Failing to maintain the confidentiality of PPG, customer or client information.

15. Unauthorized use of monitoring or surveillance devices such as video or audio recorders, telephone monitoring devices or the like.
16. Violation of any PPG policy.

If your performance becomes unsatisfactory in the judgment of PPG, based on violations either of the above, similar misconduct, or of any other policies, rules or regulations, you will be subject to disciplinary action, up to and including the termination of your employment.

HR DIRECT

HR Direct is an easy-to-use, efficient and confidential online tool that offers employees the opportunity to self-manage PPG benefits and human resources services

Employees can use the Website at HRDirect.ppg.com to take care of their benefits and HR needs using a single online resource. Employees without access to a computer can call 1-888-774-2121 toll free to speak with a specialist in PPG's HR Service Center.

PAY PRACTICE

Payday

As a regular full-time employee, your pay will include your base salary for the current pay period plus overtime pay for the previous pay period. You will be paid on a Bi-weekly Friday schedule. (see pay schedule) If a payday falls on a holiday, you will receive your pay on the last scheduled work day before the holiday.

In order to be paid, all employees are required to have a checking or savings account for automatic deposit of his/her pay.

Overtime

As a Territory Manager, it is expected that you will regularly work more than 40 hours per week. As a salaried non-exempt employee, you are eligible for overtime pay. This means that you will be paid 1.5 times your Regular Rate of pay for all hours worked in excess of 40 in a workweek or in accordance with the law of the state in which you work as set forth below. Your Regular Rate will be determined by dividing your weekly salary (as of January 1st, 2012) by 40.

You are not permitted to work more than 45 hours or more than six days in any workweek without the prior approval of your Regional Manager. You will be paid for all overtime worked, but if it was not authorized, you will be subject to disciplinary action up to and including discharge. You cannot waive or "give up" your right to overtime pay.

For purposes of determining whether you are entitled to overtime pay for a given workweek, vacation days, sick days, holidays, bereavement, jury duty and military reserve duty will be counted as nine hours worked for the purpose of calculating overtime.

Special rules for specific states are set forth below.

California

You will be paid 1.5 times your regular rate of pay for all hours worked in excess of eight in a day. You will be paid double your regular rate of pay for all hours worked in excess of 12 in a day. This overtime is *in lieu* of and is not in addition to weekly overtime. Prior Regional Manager approval is required to work more than 12 hours in a day.

In addition, you will be paid 1.5 times your regular rate of pay for the first eight hours worked on your seventh day of work if you work all seven days of the workweek. You will be paid double your regular rate of pay for all hours worked in excess of eight on your seventh consecutive day of work. Prior Regional Manager approval is required to work more than 6 days in a week.

TIME KEEPING REQUIREMENTS

Federal and state laws require PPG to keep an accurate record of all hours worked by its non-exempt employees in order to properly calculate their pay.

As a Territory Manager, you must accurately record on the electronic Time Management System ("TMS") the total time (in hours and minutes) you work each day. The information you enter into TMS must accurately reflect all regular and overtime hours worked, including any commuting time in excess of 60 minutes each way. In the "comments" field of TMS you should enter information about time not worked (e.g., meal breaks, absences) as well as special circumstances affecting your hours worked (e.g., traffic, weather). You are required to enter your time in TMS for the week and to submit your time report to your supervisor at the end of each required period (see payroll schedule). In order to assist you with the accurate recording and reporting of your time worked, PPG will provide you with a time sheet on which you are expected to record your time worked during the course of your workday. Before submitting your time report to your supervisor, you must carefully review your time entries and certify that the reported hours are accurate and that you have not reported more or less time than you actually worked. Your Regional Manager will review and approve your time reports.

If you live or service stores in California, Connecticut, Minnesota or New York, you are also required to record in your daily time log the start and stop times for each activity you perform that day (e.g., commute time, store visits, between store time, etc). You should record your start and stop times on a daily basis and are required to mail your daily time logs to Martha Leviner in Mooresville at that end of each month. If you live and work exclusively in other states but are temporarily assigned to work in any of these four states, you are required to record your start and stop times while working in these states and submit timesheets to Martha Leviner (see address below)

Martha Leviner
142-A Cardigan Way
Mooresville, NC 28117

You may not work more than 45 hours or more than six days in a workweek without the prior authorization of your Regional Manager. All working time will be paid, but if it was not authorized, it will be treated as a Policy violation.

You are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you performed but did not report in TMS. Failure to report, or inaccurately reporting, any hours worked is a violation of this Policy. It is also a violation of this Policy for any employee to falsify a time record. In addition, employees may not instruct or encourage other employees to work "off the clock," to incorrectly report hours worked, to change their time record or another employee's record to under- or over-report hours worked. If you are asked to change your own or another employee's time record, or are directed to inaccurately report your hours or another employee's hours at any time, you must report it immediately to your Regional Manager or Human Resources.

WORK WEEK AND WORK HOURS

As a Territory Manager, your workweek begins at 12:00 a.m. Sunday and ends at 11:59 p.m. Saturday.

Your work time is divided between two categories of work: "in-store" time and "outside store" time. In-store work time includes the following activities: working in customer's stores or with contractors, traveling between stores and contractor's locations, and the portion of your commutes that exceed 60 minutes each way. It is expected that you will spend at least 40 hours per week on these in-store activities. Outside store work time includes the following activities: accessing PPG SharePoint sites; preparing reports; reviewing and responding to e-mails, text messages and voicemails when not in store, connecting to the PPG Network; preparing and submitting expense reports; creating demos and entering your time in TMS. It is expected that you will spend no more than five hours per week on these outside store activities.

You may not accept work-related calls, review or respond to e-mails, voicemail or text messages, connect to the PPG Network, or do any other work with these electronic devices outside of normal work hours or on your days off unless otherwise directed by your Regional Manager or PPG management. The only exception is a telephone call from one of our customer's stores, a contractor or your Regional Manager. If you receive one of these calls outside of normal work hours or on your days off, you are permitted to accept that call and should include that time in TMS.

You should only connect to the PPG Network once a day, and should not connect to the Network on your days off. You should be connected to the PPG Network only when you need to do so for work-related purposes and should log off from the Network as soon as you have completed your work for that day.

The time you spend fueling and maintaining your PPG-owned vehicle is generally compensable as part of your outside store work time. The only exception is for time that is unrelated to the work-related use of your PPG-owned vehicle – e.g., fueling while on vacation – which is not compensable as work time.

All time spent working, as described above, must be recorded in TMS.

The failure to adhere to this Policy, including the failure to accurately record all time worked, will result in disciplinary action, up to and including discharge.

TRAVEL TIME

The time you spend commuting in a PPG-owned vehicle is your own, personal time. During this time, you are just like any other ordinary commuter and are completely off duty from work. PPG does not restrict your personal activities or control your time during the commute. You may use your PPG-owned vehicle for all normal, personal activities during your commute to and from work or during your unpaid meal break, including running incidental or personal errands. This time is your time, and during the commute or an unpaid meal break, a PPG-owned vehicle is just like any other, normal commuter vehicle and is not a workplace or part of PPG's premises. Because you are not on duty during your personal commuting time, you are prohibited from performing any work-related activities (such as making or receiving work-related cell phone calls) during that time.

PPG will pay you for the time you spend traveling for work, including overtime, as follows:

1. **Ordinary Home to Work Travel.** The normal commuting time from home to your first store or other work location (e.g. a contractor's site or place of business) and from your last store or work location to home is not considered working time. You will not be paid for commuting time unless it exceeds 60 minutes one-way. When you spend more than 60 minutes (one-way) on your commute, you will be paid for any time over 60 minutes. This 60-minute rule applies to travel within your normal territory that does not involve an overnight stay.
 - You are expected to arrange your travel schedule so that you minimize the travel time both between your home and your stores or other work locations and between stores.
 - If you do not drive directly from your home to your first store or work location or from your last store or work location to home, you may only count the time you spend on your actual commute as time worked. Deviations from your route (for example, to get coffee, run errands, pick up your children, etc.) may not be counted in calculating your commuting time.
 - If you are assigned to drive a PPG-owned vehicle other than your leased car or are towing a PPG-owned trailer, you will be paid for all of your travel time, including your normal commuting time, while driving these vehicles.
2. **Travel Between Work Locations:** PPG will treat the time you spend traveling between work locations as working time. If you take a meal break of 30 minutes or more when you are traveling between stores, your meal break will not be treated as working time and will be unpaid.

Example 1: It takes John 45 minutes to drive to his first store. He works at the store from 8:00 a.m. until 11:30 a.m., when he leaves for his second store. He arrives at his next store at 12:20 p.m. John works at that store until 4:00 p.m. and drives 30 minutes home. John

will be paid for 8 hours of working time, including the time he spent traveling between stores. Because his commuting time to his first store and from his last store was less than 60 minutes, this is not working time and is not paid

Example 2: Jill drives 30 minutes to her first store. She works at her first store from 7:00 a.m. until 11:00 a.m. She leaves for her second store and arrives at 11:55 a.m. Jill works at her second store until 3:30 p.m. She then spends one hour and 15 minutes driving home. Jill will be paid for 8.75 hours of working time, which includes all of her in-store work time and the additional 15 minutes of driving time since her commute home was over 60 minutes long.

Example 3: Tom drives 45 minutes to his first store and arrives at 7:30 a.m. Tom works until 12:30 p.m. and takes a 30-minute lunch. He then leaves for his second store and arrives at 1:30 p.m. Tom works at his second store until 5:30 p.m. and spends 50 minutes driving home. Tom will be paid for 9.5 hours, not 10 hours, because he took a 30-minute meal break between stores.

3. **Travel for One-Day Assignments:** When you travel from your home to another town or city outside of your normal territory for a one-day assignment that does not involve an overnight stay, PPG will pay you for the time you spend traveling between your home and the job assignment to the extent that it is longer than your "normal" commuting time. Your "normal" commuting time each way is determined by calculating the average of your ordinary commuting time between home and work within your normal territory during the two-week period prior to your one-day assignment. You should work with your Regional Manager to determine your normal commuting time. If your normal commuting time is in excess of 60 minutes either way, PPG will pay you for any travel time over 60 minutes.

Example: Sarah's Regional Manager asks her to fill in for Karen who is off when a promotion is planned. Although it varies by day, on average, Sarah spends 45 minutes commuting to and from the stores in her own territory. She drives 90 minutes to get to Karen's store, and she works at the store from 8:30 a.m. until 12:00 p.m. She leaves for a second store and arrives at 12:40 p.m. She works at the second store until 3:30 p.m. and then spends one hour and fifteen minutes driving home. Sarah will be paid for the seven hours she spent in the stores and traveling between the stores, plus an additional hour and fifteen minutes for the extra commuting time at the beginning and end of the day (45 extra minutes in the morning and 30 extra minutes in the afternoon).

4. **Overnight Travel:** When you travel to a store or work location that involves an overnight stay, PPG will pay you for the time you spend traveling, except for the time you take for meal periods of 30 minutes or more. This includes travel (1) to a hotel from your home, a store or another work location and (2) from a hotel to a store, another work location, or your home.
 - o If you voluntarily elect to drive home on your days off using your PPG-owned vehicle and PPG has offered to pay for hotel accommodations and meals or to provide a per diem on your days off, PPG will not pay you for the time spent driving home

- If you pick up or drop off heavy, burdensome equipment at PPG's request, either on your way home or before returning to work location, PPG will pay you for the time you spend transporting the equipment
- If you travel as a passenger in a car, airplane, train or bus, you will not be paid for travel time that does not cut across your regular working hours.

Example 1: Jane will be working in Steve's territory for the week. This assignment requires Jane to drive to a hotel in Steve's territory after Jane finishes working in her regular store. Jane works from 9:00am until 3:00 p.m. in her own store (30 minutes from home) and then drives three hours to a hotel in Steve's territory. Jane will be paid for 9 hours on day one. The next day, in Steve's territory, it takes Jane 15 minutes to arrive at the first store. She works from 8.00 a.m. until 12:00 p.m. and drives 45 minutes to the next store. She works until 4.00 p.m. and drives to the next hotel which is 15 minutes away. Jane will be paid for eight hours and 30 minutes, which includes the time spent traveling between stores

Example 2: Rick regularly works from 8:00 a m to 5:00 p m , Monday through Friday. He travels by plane to cover a different territory on Monday. He leaves home for the airport at 12:00 Noon and arrives at the airport at 7.00 p.m. At the airport, Rick is required to pick up a rental car and drive an additional three hours to reach his hotel. Rick will be paid for 8 hours of travel time -- the five hours of air travel which cut across Rick's regular work hours, plus the three hours of car travel which fall outside of Rick's regular work hours, since Rick is required to drive during that time. Rick will not be paid for the two hours of air travel that fall out side of his regular work hours because he was riding as a passenger.

Example3: Casey normally works in Oregon from 7:00 a.m. until 3:00 p.m. Casey's Regional Manager assigns her to travel to California for a week-long assignment and offers Casey a bus ticket for travel from 1:00 p.m. to 8:00 p.m., but Casey chooses to drive her vehicle instead. Since Casey was offered transportation as a passenger and was not required to drive, Casey will be paid for the two hours of travel from 1.00 p.m. to 3:00 p.m. -- the time that would have been working time had Casey accepted the bus ticket.

Special rules for specific states are set forth below.

California:

Commuting time. If you are asked to perform duties for PPG before you arrive at your first store or work location or after you leave your last store or work location (for example, your Regional Manager asks you to pick up equipment), you will be paid your travel from your home to your first store or work location or from your last store or work location to home, depending upon when you performed the work for at the Company's request.

Out-of-Town Travel: PPG does not distinguish between travel for a one-day special assignment outside of your normal territory and overnight travel. When you travel to a

job assignment either that is outside of your territory or that requires an overnight stay, PPG will pay for you for the time you spend traveling. The commuting time to your first store or work location and your hotel and from your last store or work location and your hotel is not considered working time unless it exceeds your normal commuting time or it exceeds 60 minutes, and PPG does not pay for commuting time.

New Mexico and New York:

Out-of-Town Travel. PPG does not distinguish between travel for a one-day assignment and overnight travel. When you travel to a job assignment either that is outside of your territory or that requires an overnight stay, PPG will pay for you for the time you spend traveling. The commuting time to your first store or work location and your hotel and from your last store or work location and your hotel is not considered working time unless it exceeds your normal commuting time or it exceeds 60 minutes, and the Company does not pay for commuting time.

Washington:

Commuting time: If you are asked to perform duties for PPG before you arrive at your first store or work location or after you leave your last store or work location (for example, your Regional Manager asks you to pick up equipment), you will be paid either for your travel from your home to your first store or work location or from your last store or work location to home depending upon whether you performed the work for at PPG's request before or after the commute

Out-of-Town Travel: PPG does not distinguish between travel for a one-day assignment and overnight travel. When you travel for either a one-day assignment that does not include an overnight stay or for an assignment that involves an overnight stay, the Company will pay you for all of the time you spend traveling between your home and these assignments.

ADMINISTRATIVE TIME

To ensure proper timekeeping classifications, the following activities must be classified as Administrative Time when conducted outside of store visits:

- Email
- Checking the Torch
- Voicemail
- Phone calls
- Review of sales data
- Monthly letter
- Timesheet preparation / submission
- Projects
 - Sales demos
 - Meeting preparation
 - Assigned projects by management

PERFORMANCE FEEDBACK

To ensure that you perform your job to the best of your abilities, it is important that you receive feedback for good performance and that you receive appropriate suggestions for improvement when necessary. Consistent with this goal, your performance will be evaluated by your supervisor on an ongoing basis. PPG endeavors to conduct written performance reviews of each employee's performance annually

All written performance reviews will be based on your overall performance in relation to your job responsibilities and will also take into account the factors indicated on the performance evaluation. You will be given the opportunity to review and sign your performance review.

In addition to the regular performance evaluations described above, your supervisor may conduct special written performance evaluations at any time to advise you of the existence of performance or disciplinary problems

PPG ETHICS HOTLINE

Since PPG was founded in 1883, our reputation has been built on doing business the right way – ethically, honestly, and fairly.

Each one of us is obligated to protect our reputation. This not only means “living” it, but calling attention to those who are not. Unethical, illegal, or questionable business activities can happen anywhere throughout the company – in an office, in a store, with a supplier, with a customer, or with another employee.

If you are aware of an unethical, illegal, or questionable business activity, you should discuss it with your supervisor, your supervisor’s boss, or a human resources or security representative. If none of these options are appropriate for you, you have the option to use the PPG Ethics Hotline.

Calls to the Ethics Hotline are handled by a third party whose employees are trained to listen carefully, ask questions, and document the situation accurately and anonymously. You will not be required to provide your name, the call is not recorded or traced, and no one will call you back

Information from to the Ethics Hotline is reported to PPG’s Corporate Director, Security and Compliance, who will lead a prompt investigation. You can call the Ethics Hotline back after 14 days to follow up.

Please use the Ethics Hotline as another tool to help PPG remain successful and strong through intelligent, strategic, and reputable business operations

The Ethics Hotline number is 1-800-742-9687.



#881

(For Human Resources Use Only)
Position Document #:

Non-Exempt Position Description

Position Title: Territory Manager-
Lowe's
Current As of: December 15, 2015
SBU/Staff Dept: AC Home Centers
Region/Location: Various
Supervisor's Approval:
Incumbent:
(Note: When name is typed in the Approval section, it means the supervisor has read and approved this description.)

JOB FUNCTION – REQUIREMENTS - SUCCESS FACTORS (Why job exists, what areas it impacts on, requirements to do the job, and Success Factors)

The position of the Territory Manager is responsible for developing and delivering sales plans and selling PPG products within a defined, limited number of Lowe's stores. The Territory Manager identifies end-user segments and partners with Lowe's teams to drive PPG sales in store. End-user segments include the DIY, homeowner and professional contractors, such as residential re-painters, remodelers, property management companies and property investors. Responsibilities will include developing and growing strategic business relationships with key Lowe's personnel including Paint Desk Associates, Pro Desk Associates, Store Managers, Assistant Store Managers (ASM), Department Managers, and Market Directors. This position is also responsible for effectively executing marketing and training programs at the store level and will be seen as an industry and product expert.

The total compensation package for this position includes an annual sales incentive plan. A company car, personal computer/tablet, and cell phone are provided. Delivering on growth objectives will lead to unlimited opportunities.

Key Responsibilities:

- Partner with Lowe's management teams to develop, drive and achieve sales growth plans
- Engage all Pro and DIY customers with their painting projects and PPG product support throughout the store, especially within the paint and contractor areas.
- Work cross-functionally with all appropriate departments (Sales, Marketing, Distribution, Customer Service, etc.) to exceed sales goals
- Monitor and report on market and competitive activities, and provide relevant reports and information
- Meet with all store personnel weekly and District Manager once a month to review sales performance against target
- Plan and conduct weekend training events in Lowe's stores. Participate in all seasonal training events as scheduled
- Analyze territory sales performance reports and develop strategic territory business plans to support growth
- Aggressively identify in-store selling opportunities to secure wing stacks, bulk stacks, end caps, and stack outs to create impactful, cross merchandised, product displays
- Ensure automatic replenishment system is supplying sufficient product to support rate of sale, and on-hand inventory counts are accurate by suggesting cycle counts to store management
- Train and demo products to Lowe's associates during sales call activity
- Maintain color centers, sales aides and Point of Purchase (POP) materials for all PPG brands.

Requires:

- 4 year degree or relevant experience.
- Proven results in selling and relationship building in retail operations and contractor segment sales preferred.
- Ability to build relationships with and influence a wide array of personality types from diverse backgrounds
- Experience with merchandising, retail operations and inventory management preferred

EXHIBIT 36
Moore
3/19/2019
Cindy Mahoney, RMR

- Self-directed/motivated and drive for sales results orientated.
- Solid computer skills, time management/prioritization skills, strong oral and written presentation skills
- The regular work schedule for this position requires working Fridays and 30 Saturdays throughout the year
- This position is based on a 45-hour work week which includes base salary and overtime
- Up to 30% travel in territory and some outside travel required throughout the year assisting in other territories.
- Valid driver's license and a clean driving record.
- The ability to lift up to 65 pounds on a periodic basis.

Success Factors — Prime Success Factors (focus on results, drive change, promote teamwork, build trust & respect, understand market & customer perspective) plus the following

DIMENSIONS (Relevant annual financial data, i.e. assets managed, budget, sales dollars, salary cost and total personnel supervised by category)

ORGANIZATION CHART (Show reporting relationships, i.e. immediate supervisor, all other positions reporting to supervisor, **this position in bold**, and all positions reporting to this position)

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Director, Home Center Field Sales/Strategic Accounts
  National Sales Manager
    Division Sales Manager
      Regional Sales Manager
        Territory Manager- Lowe's

```


Message

From: Mayhew, Andrew [Andrew.Mayhew@ppg.com]
Sent: 4/27/2017 6:10:25 AM
To: Moore, Clarence [clarence.moore@ppg.com]
Subject: RE: PIP

Hi Clarence, Snigdha will help you with Wally's PIP. I gave her a heads up based on what discussed a couple weeks ago.

-----Original Message-----

From: Moore, Clarence
Sent: Wednesday, April 26, 2017 12:16 PM
To: Mayhew, Andrew
Subject: PIP

Can you call me Yost to talk about PIP for Wally?

"Being Committed is so much more rewarding than being Compliant."

Clarence Moore
PPG/Olympic Regional Sales Manager
Phoenix, AZ
Tel: (480) 737-6394

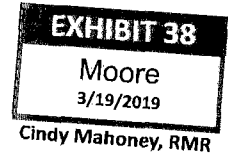
Sent from my iPhone

EXHIBIT 37
Moore
3/19/2019
Cindy Mahoney, RMR

Message

#884

From: Moore, Clarence [clarence.moore@ppg.com]
 Sent: 3/24/2017 3:04:18 PM
 To: Mayhew, Andrew [Andrew.Mayhew@ppg.com]
 Subject: FW: Q1 Market Walk Recap
 Attachments: image001.png, Wally Q1 Market Walk.xlsx



Clarence Moore
 Regional Sales Manager
 National Accounts Lowe's

(480) 737-6394
 clarence.moore@ppg.com<mailto:clarence.moore@ppg.com>

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 www.liquidnails.com<http://www.liquidnails.com>

[ppg_lg_rgb_email]

From: Moore, Clarence
 Sent: Friday, March 17, 2017 2:26 PM
 To: Wallen Lawson (wlawson@ppg.com)
 Subject: Q1 Market Walk Recap

Wally,

Thank you again for walking me through your stores last week. As we discussed during our recap, your score was unsuccessful on your Market walk for Q1, a 58. You are doing some of things right, but there are quite a few things to focus on to help turn that YTD variance around as well as your next market walk score.

Listed below are things that you are doing well in your territory

- * You have great relationships with the members of the paint department. This was noticeable.
- * You were great with the end user, identifying needs and suggesting our product as often as possible. I listened in on those conversations with customers and you attempted to hit every point every time.

Listed below are things that we talked about working on in our recap

- * We have had a conversation on MAP's in the past. Your MAP should be visited at the beginning and end of every store visit. The MAP is designed to assist you in tracking your trends as well as sharing direct information with the store management teams. Also, use them to track completion of objectives on a monthly basis. i.e. National, Regional and Store.
- All of your associates should be entered into you Training Roster. Your Training Roster needs to be updated at the end of EVERY visit. When reviewing the training roster for the previous month, multiple stores were not even present on the roster. These stores had been obtained over a month ago in the re-alignment.
- * You must begin a monthly meeting with either the ASM 2 or the Store Manager to go over PPG business.
- * Your PSI must also be met with on a monthly basis. As we talked about in our recap, each visit requires a quick elevator meeting with the PSI per the DAP. I cannot run into a situation where you don't know who these associates are again.
- * The Genesis screen is where you will get all the information you need to have a conversation about product inventory with Lowe's management and our team. When I asked you to look up and item, it was very concerning that you didn't know what screen to enter to look up item info. Familiarize yourself with this tool immediately.
- * All three stores visited did not have ALL five mandatory locations of liquid nails. We were unable to view your LN tracker due to a broken iPad and a 2-1 in route. Now that we have this tool, you need to make sure we have 15 locations in each store(including mandatory 5), in every store in your territory. Mandatory locations are proven sellers, other 10 will be your trial and error. There should also never be any of this product in top stock.
- * Need a bigger Pro presence, time to start locking in some business down there. One thing that is necessary with Pro relationships is dependability. During my visit you told me that your phone was in your backpack while you were in store. Time is money when it comes to Pro services. Keep your phone in your pocket at all times. This is considered a work phone and you are on the clock.

Again wally, I appreciate the time we spent together this week. I was able to see you in action and see the value you bring to the team. Work on the things we talked about and watch your sales grow. Your personality is perfect for the position, now use that to your advantage. Attack the daily and monthly objectives and watch yourself climb out of the lower half of the region's numbers. We were able to talk about all the opportunity we have. I will be following up with you for progress reports every Friday for the next 4 weeks, I expect to see turnaround. I will also be back to visit you within 30-60 days, I have nothing but faith in your effort to get better. Like we talked about, follow the DAP A-Z without skipping a step. As soon as you complete that, you attack your MAP. You will never see a score like this again if you follow those easy steps. Talk to you soon.

Thank you,

Clarence Moore
Regional Sales Manager
National Accounts Lowe's

(480) 737-6394
clarence.moore@ppg.com<mailto:clarence.moore@ppg.com>

PPG/Olympic
PHOENIX, ARIZONA
www.olympic.com<http://www.olympic.com>
www.liquidnails.com<http://www.liquidnails.com>

[ppg_lg_rgb_email]

Message

#886

From: Kacsir, Sean [kacsir@ppg.com]
 Sent: 7/23/2017 10:12:16 PM
 To: Moore, Clarence [clarence.moore@ppg.com]
 CC: Mayhew, Andrew [Andrew.Mayhew@ppg.com]
 Subject: RE: Q3 Market Walk Recap
 Attachments: image001.png

I would like an additional market walk completed for any stores you did not hit on this past market walk during the last week of his extended PIP. He continues to not follow the direction from his RM on basic job functions. As always please be detailed in your market walk and ensure you are in at least 3 of his stores. Thanks!

From: Moore, Clarence
 Sent: Thursday, July 13, 2017 6:30 PM
 To: Lawson, Wallen
 Cc: Mayhew, Andrew; Bernal, Jorge; Kacsir, Sean
 Subject: Q3 Market Walk Recap

Wally,

Thank you again for walking me through a couple of your stores. As we discussed during our recap, your score was Marginal on your Market walk for Q3, a 66. I have attached the Market Walk spreadsheet with the listed opportunities that we talked about during the recap. As we talked about, we will be extending your PIP for 30 days from today, Saturday August 12th. We will be following up on a weekly basis with, and HR coordinator Andrew Mayhew will be present on the call. As I told you, I need you to send me your Cognos numbers, your MAP's and your training roster on a weekly basis as well. We will go over these in detail every week. You are doing a better job, but there is still so much room for improvement. Please reach out to me if you have any questions regarding the process for the next month.

Thank you,

"Being Committed is so much more rewarding than being Compliant."

Clarence Moore
 Regional Sales Manager
 National Accounts Lowe's

(480) 737-6394
 clarence.moore@ppg.com<mailto:clarence.moore@ppg.com>

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[ppg_lg_rgb_email]

EXHIBIT 43
 Moore
 3/19/2019
 Cindy Mahoney, RMR

TMS

- You are being held accountable for driving sales in your market, your time should be managed so you are efficient & productive, maximizing your “in store” time.
- It is imperative that you work no more than 90 hours over a two week time period. Over 90 hours needs approval from the Regional Manager.
- No Sunday work hours - we have pay issues when someone works 7 days in a row which is why we said no Sundays.
- If drive time is over your agreed upon drive times, please enter comments (i.e. “snow conditions, construction, etc.”) why your drive time is longer.
- When spending an overnight in a hotel, please enter the name of the town you are staying in under “comments”.
- Ensure your daily entries are entered in the order they occur throughout the day. This decreases substantial review time on my end.
- You are expected to work a 5 day work week. Keep in mind our busiest days of the week are at the end of the week (Fridays and Saturdays) and you should plan your schedule accordingly to not cut short your work week.
- All pre-scheduled work Saturdays are to be 7 hour minimum days. They are set during our busiest season for a reason. Please schedule your work week to ensure you have the hours available. Typical day off for a Saturday work week is Monday. Talk with Regional Manager if there is a need to reschedule due to a conflict for the work Saturday.
- Any business meals with contractors or Lowe’s associates must have Company names, first and last name(s) of the person(s) you are entertaining (meeting) and the phone number for their company. Their business cards have all this info. We need documentation when we entertain. Put this info into TMS and Concur expense reports so they cross reference.

ADMIN

The maximum allowable admin time is 5 hours per week. It is not an automatic 1 hour per day or 5 hours a week. It is not to be an automatic entry. Any ADMIN over a two hour period needs a phone call at the time of using it to your RM. Most of your Admin should be early in week for weekly reports, Cognos and MAPs. Any use of admin time must be have detailed comments in TMS. With the addition of the iPad you should see a fair amount of your admin time reduced as you can complete some admin while in stores. The goal is to have as much time in a selling environment rather than driving or sitting at a desk, especially during our peak selling season. We do know that admin is part of the job, so just document the time.

- The following should fall under “Admin”:
 - Email, checking The DROP
 - Phone Calls (excluding Conference Calls which go under PPG Meetings)
 - Review of sales data - Cognos
 - TMS Preparation/Submission
 - Special Projects - spreadsheets
 - Meeting preparation – Market Director, contractors
 - Expense reports

- Below is a reminder regarding how to classify work time on the TMS system:
 - **Bereavement leave** – time off for the death of a family member (see handbook for definition) Paid at 9 hours per day if eligible.
 - **Business Meal** – a meal that includes a business associate for the purposes of doing business in support of the sale of Olympic products
 - **Car Maintenance** – time spent maintaining your car (oil changes, tires, etc.). Anything that runs over an hour needs a phone call to RM at the time it is happening. Rental cars are available for extended periods
 - **Contractor Visit** – visiting a contractor site or doing business outside of a store with a contractor
 - **Commute time AM (only greater than 60 minutes)** – commute time at the beginning of your day that is greater than 60 minutes
 - **Commute time PM (only greater than 60 minutes)** – commute time at the end of your day that is greater than 60 minutes
 - **Customer Complaint** – time spent visiting a customer for a complaint
 - **Drive Time Between stores** – time spent driving between stores
 - **Drive Time (To/From Hotel)** – time spent driving directly to or from a hotel on an overnight stay
 - **Floating Holiday** - 1 floating holiday. Paid at 9 hours or 4.5 hour increments.
 - **Holiday** – Corporate Paid Holidays. Paid at 9 hours only.
 - **Jury Duty** – Paid at 9 hours
 - **LILO (inoperable)** – to be used when the LILO is down or if you need to preload your time in store because you will be on vacation the next week and you won't be able to access the information on the LILO Download.
 - **Misc.** – Do not use this category. It will draw review as there are plenty of categories supplied.
 - **PPG Meetings** – a PPG sales meeting, Region meeting, conference calls.
 - **Sales Event** - an event supporting the sales of Olympic products. LN tour is an example.
 - **Sick/personal day (paid)** – Paid at 9 hours or 4.5 hour increments. You receive 3 per calendar year.
 - **Travel** – Traveling to a PPG event like a sales meeting.
 - **Training** – Time spent on your own training. If you are the trainer, time should be captured as in store time on the LILO download. Sales demos prep under this category.
 - **Vacation** – Paid vacation time, paid at 9 hours or 4.5 hour increments.
 - **Other** – To be used **VERY** sparingly. 99.9% of your items should fit in one of the above choices.

Let me know if you have any questions.

Message

#889

EXHIBIT 46Moore
3/19/2019

Cindy Mahoney, RMR

From: Kacsir, Sean [kacsir@ppg.com]
 Sent: 10/23/2018 2:51:15 PM
 To: Mayhew, Andrew [Andrew.Mayhew@ppg.com]
 Subject: FW: Wallen Lawson

From: Moore, Clarence
 Sent: Monday, August 21, 2017 5:33 PM
 To: Kacsir, Sean
 Subject: Wallen Lawson

Andrew, below is a breakdown of the walks as well as info from the PIP for Wallen Lawson, Long Beach, CA Territory Manager. I am sending this to Sean first in hopes that he will add his approval before sending over to you. I have included bullet points from each training opportunity with a date header on when the information was passed along to him. This is a request for termination. I feel the points below clearly show that this individual is not doing the job asked by myself or the company. On top of the daily and monthly objectives that are not being complete, the TM has also finished the second quarter missing all three months in sales.(picture below.) Part of the PIP asked that Wallen be positive in sales in the second quarter in the reflection of his 12 month rolling sales numbers. Please let me know if there is any further information you need.

3/15/17 (MARKET WALK)

- We have had a conversation on MAP's in the past. Your MAP should be visited at the beginning and end of every store visit. The MAP is designed to assist you in tracking your trends as well as sharing direct information with the store management teams. Also, use them to track completion of objectives on a monthly basis. i.e. National, Regional and Store.
- No individual store objectives being set on MAP spreadsheets.
- All of your associates should be entered into your Training Roster. Your Training Roster needs to be updated at the end of EVERY visit. When reviewing the training roster for the previous month, multiple stores were not even present on the roster. These stores had been obtained over a month ago in the re-alignment.
- You must begin a monthly meeting with either the ASM 2 or the Store Manager to go over PPG business.
- Your PSI must also be met with on a monthly basis. As we talked about in our recap, each visit requires a quick elevator meeting with the PSI per the DAP. I cannot run into a situation where you don't know who these associates are again.
- The Genesis screen is where you will get all the information you need to have a conversation about product inventory with Lowe's management and our team. When I asked you to look up an item, it was very concerning that you didn't know what screen to enter to look up item info. Familiarize yourself with this tool immediately.
- All three stores visited did not have ALL five mandatory locations of liquid nails. We were unable to view your LN tracker due to a broken iPad and a 2-1 in route. Now that we have this tool, you need to make sure we have 15 locations in each store(including mandatory 5), in every store in your territory. Mandatory locations are proven sellers, other 10 will be your trial and error. There should also never be any of this product in top stock.
- Need a bigger Pro presence, time to start locking in some business down there. One thing that is necessary with Pro relationships is dependability. During my visit you told me that your phone was in your backpack while you were in store. Time is money when it comes to Pro services. Keep your phone in your pocket at all times. This is considered a work phone and you are on the clock.

5/12/17 (PIP)

- Training Roster - It was observed on 5/2/2017 that you had inaccuracies with your training roster that was sent in on 5/1/2017. When reviewing your training roster on our monthly 1-2-3 call, it was noticed that we still did not have all members of the paint and pro department added to your roster.

#890

- Admin - During weekly TMS tasks it has been noticed that you have continuously exceeded your 5 hours of Admin time. You should not go over 5 hours of admin on any given week without pre approval from your Regional Manager. You surpassed the 5 hour mark the weeks of 2/6, 2/20, 2/27, 3/20 and 4/3 all in 2017. An email was sent to you on 11-23-16 regarding this matter. This cannot occur in the future.
- Regional / National Initiatives – Each month you are provided with a Monthly Action Plan. During this month you are expected to complete the national and regional tasks that are input. You have been instructed on multiple occasions to complete you Daily Action Plan and immediately after to attack your MAP objectives in that current store. The objectives for the month of April were as follows;
- Elite Hands on Training - Create Stain Tote -Elite & Maximum Demo Boards. Discuss Elite NLP during training. Enter in Training Roster under "Olympic Elite Demo" - During the walk on 4/21 you were asked to provide a visual of one of your stain totes. This tote was to be completed in each location. You responded in saying that you had not even started these totes and had none complete.
- Complete Stain Aisle Reset Training Part 1 (Exterior Coatings Wood Reset Training) Complete Stain Product Training Part 2 (Olympic Product Training Cleaners, Stains, & Resurfacers) Enter in Training Roster under "Lowe's Required Q1 Training A" – When you submitted your training roster on 5/1 it was observed that you only trained 2 total people on this task. Both employees were in store #1900. This task has been present going on 3 months.
- Continue to build/maintain Assure Interior Flat stack outs (Base 2 & 1) for NLP - Stack out headers arriving in late March. Build Exterior Assure Flat stack outs for exterior NLP beginning 3/6 - No Assure interior or exterior stack outs. This was a national initiative for the past 3 months as well.
- Obtain the email addresses of all Store Managers, Service ASM's and Department Service Managers in your territory by the end of the month. – When you were asked about this objective during our one on one call you said that you hadn't completed yet.
- Sales - Wally has missed 8 of the last 12 months in sales and will need to comp positive in the 2nd Qtr

Through Q1

Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17
83.4%	102.4%	99.08%	100.3%	107.5%	111.6%	99.0%	88.5%	95.7%	89.0%	88.5%	95.7%

Through Q2

Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17
100.3%	107.5%	111.6%	99.0%	88.5%	95.7%	89.0%	88.5%	95.7%	95.7%	95.4%	86.0%

7/13/17 (MARKET WALK)

- In Review of last month's call summary, one of your highest volume stores, Hawthorne, had been visited only 1 time. This is unacceptable. You are expected to visit your highest volume stores at minimum once a week.
- 2/11 on ELITE upsell story. MAP's stated that you were 100% on having a HOME side stack, but the 5 stores that we walked were 0%.
- When asked about your monthly management business review, you stated that you did it every once in a while. We need to share wins continuously with management and use opportunities to help us get more placement in the stores.
- Market Director meetings are not just a talk in the aisle. They are meant for you to get something out of them. Then when you and MD agree upon your request, you send a recap to them of the meeting for confirmation. This is the only way that this meeting would be a valid meeting.
- 5 stores walked and not one store had the new stain brochures present.
- We cannot work inventory, if we don't even know how to use Genesis. Your understanding of the Lowes system is vital to our success in store.

- Every store had at least two of the 5 mandatory placements missing. We are down in LN and the mandatory 5 are proven to sell product. Get those in place before any other options out there.
- endcap in store number 3 still had assure on it. We don't have a lot of endcaps that get put in our responsibilities, so when we get them, you are expected to be 100%. In this case, we are very focused on ONE. That needed to be a priority.
- 1753 had no representation, with opportunity. And 773 had a little, Valspar had 80% with SW and us with about 10% each.
- Multiple stores with stack outs of the competitors and little representation by us. Plenty of product in top stock in most cases, we need to become more visible in all opportunities that we have.
- Training roster was missing 2 associates in the paint department in 758. We cannot get a reading of training completion if all associates are not present. Please make sure to ask associates at the end of all shifts if the roster is still the same.

8/17/17 (MARKET WALK)

- Second highest store in volume, a few gallons away from first, is Hawthorne. This store has been visited one time from 7/01-8/12. expectation in last market walk was given for these stores to be visited at minimum once a week. SINCE LAST WALK 7/13 STORE VISITED TWICE(SAME DAY) AND EXPECTATION WAS ONCE A WEEK.
- Store rankings and some statistical information was known on the territory, but there is no individual action plans being established for the struggling stores.
- The MAP items are not being done. Wally has visited 2605 twice, 758 twice and 1900 once prior to this walk and not one national or regional objective has been completed.
- ELITE upsell store needed to train 2 people per store in July, didn't train any. ONE ext in aisle training needed to train 2 people per store in July, didn't train any. 2 stores out of 11 were said to be complete with a side stack of HOME in pro in July and we needed to have 50% completed.
- Not setting any real objectives for stores individually. Some objectives that were being created last month are items that are already on the DAP.
- Still don't know all management. When we observed a conversation with Nick in store 1900, this was TM's first time meeting him.
- Has yet to obtain an official meeting with MD.
- Liquid Nails form has not yet even been filled out. How can we track sales of products when we are not even tracking the locations and sales rate?
- ONE and ELITE endcaps have not been started. When asked if he has talked to PSA's about these endcaps, it was stated that he has not.
- 1900 had 6 competitor stack outs around paint desk and we didn't have one. Still a lot of opportunity for representation
- Store's 250 and 2605 said to have completed the HOMAX in aisle training on the Market Walk and TR does not reflect. Store's 250, 758, 1050, 1900, 2268 and 2605 were said to have had 2 people trained per store in ELITE in aisle training on MW and TR does not reflect.
- Store 1900 does not show Jonathan in the Pro department. 758 does not show Rhonda(15 year veteran) or Derrick in Pro. On 6/21 TM was in store 250 and 2268, TR shows training for associates Nicki from store 773 and JK from store 769. On 6/22 TM was in stores 1050 and 1900, TR shows training for Alex from store 773. On 5/11 TM was in stores 250 and 2268, TR shows training on Nicki from store 773. You said you trained Alex from store 773 on 6/14 on 9 different items and TMS shows that you were not even in that store.
- No pro-business happening or being tracked and still stores where pro associates are not familiar with who TM is. Rhonda and Derrick in 758 or Joe from 1900 knew Wally.
- Force out July 13th out of Rancho Santa Margarita.
- In store 1900 today while attempting to reach something in top stock, Wally pulled out a 5 gallon bucket to stand on it. He proceeded to do so and RSM immediately asked him to step down. Wally arrived drove into the parking lot of my hotel for the recap of the market walk and was on the phone while driving.

Thank you,

“Being Committed is so much more rewarding than being Compliant.”

Clarence Moore
Regional Sales Manager
National Accounts Lowe's

(480) 737-6394
clarence.moore@ppg.com

PPG/Olympic
PHOENIX, ARIZONA
www.olympic.com
www.liquidnails.com



Message

From: Mayhew, Andrew [Andrew.Mayhew@ppg.com]
Sent: 6/29/2017 1:24:43 PM
To: Kacsir, Sean [kacsir@ppg.com]
Subject: Wallen Lawson

please do not forward

Hi Sean,

Wally called me regarding how he is dissatisfied with his PIP. Wally indicated Clarence told him how HR triggered his PIP, and it was not Clarence's decision to place him on a pip. Additionally, Wally is concerned he has received two poor market walk scores. The scores were 58 and 46, when Market Walks were completed in March and April. Then in November he received a market walk score of 88.

Additionally, Wally feels he has been ignored by Clarence. The two of them have not had any one of one meetings. If Wally is on a PIP, then Clarence and Wally should be meeting on a weekly basis. We can further discuss this matter when you have time. However, I would like to be included on all weekly pip calls between Clarence and Wally.

Thanks,

Andy Mayhew
HR Manager
PPG Architectural Coatings
PPG

400 Bertha Lamme Dr
Cranberry Township, PA 16066
T: 724-742-5454
M: 724-272-1448
E: andrew.mayhew@ppg.com
ppg.com



1 KARIN M. COGBILL, Bar No. 244606
kcogbill@littler.com
2 MICHAEL W. M. MANOUKIAN, Bar No. 308121
mmanoukian@littler.com
3 LITTLER MENDELSON, P.C.
50 W. San Fernando Street, 7th Floor
4 San Jose, CA 95113
Telephone: 408.998.4150
5 Facsimile: 408.288.5686

6 THEODORE A. SCHROEDER, PA Bar No. 80559
(*pro hac vice*)
7 tschroeder@littler.com
LITTLER MENDELSON, P.C.
8 625 Liberty Avenue, 26th Floor
Pittsburgh, PA 15222
9 Telephone: 412.201.7600
Fax No.: 412.456.2377

10 RACHAEL LAVI, Bar No. 294443
11 rlavi@littler.com
LITTLER MENDELSON, P.C.
12 2049 Century Park East, 5th Floor
Los Angeles, CA 90067.3107
13 Telephone: 310.553.0308
Facsimile: 310.553.5583

14 Attorneys for Defendant
15 PPG ARCHITECTURAL FINISHES, INC.

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 WALLEEN LAWSON,
19 Plaintiff,
20
21 v.
22 PPG ARCHITECTURAL FINISHES,
INC.,
23 Defendant.

Case No. 8:18-CV-00705AG-JPR

**DECLARATION OF DAVID DUFFY
IN SUPPORT OF DEFENDANT
PPG ARCHITECTURAL
FINISHES, INC.'S MOTION FOR
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Judge: Hon. Andrew J. Guilford
Hearing Date: June 10, 2019
Time: 10:00 a.m.
Courtroom: 10D

Pretrial Conference: July 8, 2019
Trial Date: July 23, 2019

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I, David Duffy, hereby declare and state as follows:

1. I have personal knowledge of the facts set forth below. If called upon as a witness, I could testify competently thereto.

2. I am a Senior Manager – Investigations and Corporate Security for PPG Industries, Inc. (“PPG” or the “Company”). In my role as a Senior Manager – Investigations and Corporate Security, I look after all corporate security functions, including looking after compliance-related topics and investigations that would come in through our Ethics Helpline or anything else directed by in-house counsel.

3. I worked as a Senior Manager – Investigations and Corporate Security during the time of the events that gave rise to this lawsuit.

4. PPG maintains an Ethics Helpline operated by an independent third-party administrator – Convercent - which provides PPG employees a secure way to anonymously report issues.

5. PPG also maintains a Global Code of Ethics which advises employees how to raise concerns through an online feature called the Compliance Portal, or through a toll-free phone number called the Ethics Helpline, both of which are operated by an independent third-party provider, Convercent.

6. On June 15, 2017, an anonymous complaint was submitted to PPG’s Ethics Helpline. The Helpline is managed by a third party – Convercent - who intakes the information and then passes along certain details/information to PPG. The June 15, 2017, anonymous complaint was submitted through Convercent’s call center and the anonymous reporter stated a regional manager asked TMs to purposely mis-tint paint, and referenced a prior complaint submitted in April 2017. The version of the June 15, 2017 anonymous complaint PPG received from Convercent did not include *any* identifying information related to the anonymous reporter. A true and correct copy of the version PPG received of the anonymous complaint filed on June 15, 2017, is attached hereto as **Exhibit A**.

7. I understand during the course of litigation, Plaintiff Wallen Lawson

1 produced a copy of the anonymous complaint he filed with Convercent's online
2 Compliance Portal on June 15, 2017. PPG never received a copy of Plaintiff's version
3 of the June 15, 2017 anonymous complaint until Plaintiff produced it during the course
4 of litigation. A true and correct copy of the version Wallen Lawson produced during
5 the course of this litigation is attached hereto as **Exhibit B**.

6 8. When PPG received the June 15, 2017 complaint, it did not receive
7 the identity of the anonymous reporter.

8 I declare under penalty of perjury under the laws of the United States of
9 America and the State of California that the foregoing is true and correct.

10 Executed at Pittsburgh, Pennsylvania, this 13th day of May, 2019.

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13 
14 DAVID DUFFY

15 FIRMWIDE:164328248.1 034801.2166

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EXHIBIT A



Compliance Portal

Printed 06/16/2017



0212aa17: Compliance with Laws, Rules, and Regulations - Cranberry Office

Overview

Issue Summary

Allegations: PPG Lowes Regional Manager requested Territory Managers to miss mix 2-3 gallons of Rescue It product per day in order to avoid issuing a credit to Lowes

Reported As:

Provided by Call Center yesterday 12:05 PM

Organization Name

PPG Industries

Relationship to Organization

I am currently an employee

Issue Types

Current Issue Types

Compliance with Laws, Rules, and Regulations

Intake Method

Call Center

Reported as

Compliance with Laws, Rules, and Regulations

Location

Cranberry Office

Submitted

5/15/2017 12:05 PM

General Timeframe

Ongoing

Involved Parties

Contact Involved Parties

n/a

Department

Paint

Initially Reported Involved Parties

n/a

Description

###_MISSING_LOCALIZED_RESOURCE_###

Reported As:

A regional manager asked the territory managers to purposely miss mix (ruin paint). They were asked to do this on the down low when no one was around to witness it. The purpose was to get rid of a slow moving product Rescue-It resurfacer. This has to do with a national account named Lowes. One of the territory managers mentioned there was cameras in the paint department and the regional manager stated it did not matter. He said if anyone asks about it just state it was for a customer and they never came back to pick up the paint. He said to do 2-3 gallons per day, each visit to the store. He also said to tell the Lowe's associates that we will cover their paint department while they are out on break or lunch and so that will give us opportunity to ruin the paint. The regional manager wants to get rid of as much product as possible before June 1st because he was concerned they would have to write a credit for Lowe's. He does not want to give credit or reimburse them. There was another report about this submitted on 4/18 on the ethics line and it was closed. This was discussed on 3 separate occasions during a weekly Tuesday morning conference call beginning in April 2017. The territory managers could not believe we were being asked to do this and voiced their concerns.

Reporting Party Survey Responses

Q: Did the incident or violation occur more than once?

A: Yes

Q: Can you identify the specific law, rule, or regulation that was compromised?

A: No

0

Days Old

Customer Reference Number

Not Set

Status

In Review

Issue Owner

David Duffy

Severity

Medium

Related Issues

Related Policies

Add policies

7

People with access to this issue:
Manage allowed users for this issue

0

People denied access to this issue:
Manage denied users on this issue

About the Reporting Party

Only Convercent Staff will receive your contact information for follow up purposes. Your contact information will not be given to your organization.



Q: How many times did it occur?
A: 3 times

Q: What brought this violation to your attention?
A: Weekly conference call

Q: Is anyone else aware of this violation?
A: Yes

Q: Who else is aware?
A: Other employees

Q: Was anyone outside the organization involved in the violation?
A: No

Q: Has the incident been reported to anyone in supervision or management?
A: No

Q: Has the incident been reported to anyone outside the organization?
A: Yes

Q: Please explain how and when it was reported and to whom
A: My daughter

Q: Who made the report?
A: I did

Involved Parties and Allegations

Compliance with Laws, Rules, and Regulations

Issue/Case Source

Please Choose a Category:
Ethics & Compliance

Country Hierarchy

Please Choose a Country:
USA

Regional Hierarchy

Please select a Region
USCA

Business Unit

PPG Business Unit:
Architectural Coatings

Global Code of Ethics

Primary GCOE Issue:
Protecting Company Assets

If more than one apply, please list all applicable categories here:
Unspecified

Issue Confirmation

Issue Confirmation
Unspecified

Report Status

Issue Report Status
Unspecified

Privileged Status

Privileged & Confidential
Unspecified

PPG Case Summary

Please provide a brief summary:

Allegations: PPG Lowes Regional Manager requested Territory Managers to miss mix 2-3 gallons of Regule It product per day in order to avoid issuing a credit to Lowes. The allegation continues that the TMs should cover the Lowes paint department while the Lowes team is on break / lunch to provide an opportunity to miss mix the paint.

Messages

Messages Visible to the Reporting Party



Reporting Party
12:06 pm 6/16/2017

- This thread was created automatically for you to communicate with the organization.

Internal Team Messages

No Messages

Open Tasks

No Open Tasks

Attachments

Attachments visible to reporting party



No Attachments visible to Reporting Party

Internal Team Attachments



No Attachments visible to Internal Team Only

Investigations

No Active Investigations

EXHIBIT B

English (United States)

Contact Information

Submitted By Willen Lawson	Daytime Phone Number 99999999
Preferred Contact Method Mobile Phone	Mobile Phone Number 949 243-2632
	Email Address wlawson3@aol.com

Issue Details

Organization Name PPG Industries	Status Closed as of 3/9/2018 3:37 PM GMT
Department Architectural Coatings	Incident Location Cranberry Office
Initially Reported Involved Parties n/a	General Date/Time of Incident Ongoing
Issue Types Compliance with Laws, Rules, and Regulations	Your Disclosure Level Remains Anonymous Forward Only (99999999)
Description of the Incident A regional manager asked the territory managers to purposely miss the (rain paint). They were asked to do this on the down low when no one was around to witness it. The purpose was to get rid of a slow moving product. Rescued it eventually. This has to do with a national account owned by Lowe's. One of the territory managers mentioned there was cameras in the paint department and the regional manager stated it did not matter. He said if anyone asks about it just state it was for a customer and they never came back to pick up the paint. He said to do 2-3 gallons per day, each visit to the store. He also said to tell the Lowe's associates that we will never their paint department when they are out on break or lunch and so that will give us opportunity to ruin the paint. The regional manager wants to get rid of as much product as possible before June 1st because he was concerned they would have to write a credit for Lowe's. He does not want to give credit or reimburse them. There was another report about this submitted on 4/18 on the ethics line and it was closed. This was discussed on 3 separate occasions during a weekly Tuesday morning conference call beginning in April 2017. The territory managers could not believe we were being asked to do this and voiced their concerns.	Your Relationship to this Organization I am currently an employee

Survey

Did the incident or violation occur more than once? Yes	Can you identify the specific law, rule, or regulation that was compromised? No
How many times did it occur? 3 times	Has the incident been reported to anyone in supervision or management? No
What brought this violation to your attention? Weekly conference call	Has the incident been reported to anyone outside the organization? Yes
Is anyone else aware of this violation? Yes	Please explain how and when it was reported and to whom. My daughter
Who else is aware? Other employees	Who made the report? I did
Was anyone outside the organization involved in the violation? No	

Files

To attach files drag and drop here or select files below
 No files selected

Messages Start a new message thread

- 

Your Organization
2/21/2018 10:02 AM

Response to Reporter - Thank you for contacting the PPG Ethics Helpline. The concern raised was thoroughly investigated and appropriate action taken to resolve the report.

0 replies
2/21/2018 10:02 AM
- 

Your Organization
2/20/2018 10:02 AM

Thank you and request for additional information or contact. Thank you for submitting your report to the helpline. We saw your concern, reviewed and would like to promptly address the issue, in order to effect...

2 replies
2/20/2018 10:02 AM
- 

Your Organization
2/17/2018 10:02 AM

Response to Reporter - Thank you for the information on the geographic sites that this is occurring. Would you consider talking to Dave Duffy - PPG's Senior Manager of Invest...

2 replies
2/17/2018 10:02 AM
- 

Your Organization
2/16/2018 10:02 AM

Response to Reporter - Thank you for using the PPG Ethics Helpline. Your report concern has been reviewed and a summary report review the appropriate PPG resolution. So...

1 reply
2/16/2018 10:02 AM
- 

Reporting Party
2/16/2018 10:02 AM

Communications with reporting party - This thread was created automatically for you to communicate with the reporting party...

0 replies
2/16/2018 10:02 AM





English (United Sta

Contact Information

Submitted By
Wallen Lawson

Daytime Phone Number
999999999

Preferred Contact Method
Mobile Phone

Mobile Phone Number
949-243-2632

Email Address
walawson3@aol.com

Issue Details

Organization Name
PPG Industries

Status
Closed as of 3/9/2018 3:37 PM GMT

Department
Architectural Coatings

Incident Location
Cranberry Office

Initially Reported Involved Parties
n/a

General Date/Time of Incident
Ongoing

Issue Types
Compliance with Laws, Rules, and Regulations

Your Disclosure Level
Remain anonymous toward your organization

Description of the Incident
A regional manager asked the territory managers to purposely miss mix (ruin paint). They were asked to do this on the down low when no one was around to witness it. The purpose was to get rid of a slow moving product Rescue-It resurfacer. This has to do with a national account named Lowes. One of the territory managers mentioned there was cameras in the paint department and the regional manager stated it did not matter. He said if anyone asks about it just state it was for a customer and they never came back to pick up the paint. He said to do 2-3 gallons per day, each visit to the store. He also said to tell the Lowe's associates that we will cover their paint department while they are out on break or lunch and so that will give us opportunity to ruin the paint. The regional manager wants to get rid of as much product as possible before June 1st because he was concerned they would have to write a credit for Lowe's. He does not want to give credit or reimburse them. There was another report about this submitted on 4/18 on the ethics line and it was closed. This was discussed on 3 separate occasions during a weekly Tuesday morning conference call beginning in April 2017. The territory managers could not believe we were being asked to do this and voiced their concerns.

Your Relationship to this Organization
I am currently an employee

Survey

Did the incident or violation occur more than once?
Yes

Can you identify the specific law, rule, or regulation th was compromised?
No

How many times did it occur?
3 times

Has the incident been reported to anyone in supervisi or management?
No

What brought this violation to your attention?
Weekly conference call

Has the incident been reported to anyone outside the organization?
No

Is anyone else aware of this violation?
Yes

010
EXHIBIT B

LAWSON000133

Who else is aware?
Other employees

Was anyone outside the organization involved in the violation?
No

Please explain how and when it was reported and to whom.
My daughter
Who made the report?
I did

Files

To attach files drag and drop here or select files below
Choose File no file selected

Messages

Start a new message thread

Your Organization
03:26 pm 3/9/2018

Response to Reporter - Thank you for contacting the PPG Ethics Helpline. The concern raised was thoroughly investigated and appropriate actions taken to resolve the reported...

0 replies
03:26 pm 3/9/2018

Your Organization
03:10 pm 6/19/2017

Thank You and request for additional information or contact - Thank you for submitting your report to the Helpline. We take your concern seriously and would like to promptly address the issue in order to effect...

2 replies
03:10 pm 6/19/2017

Your Organization
03:55 pm 6/28/2017

Response to Reporter - Thank you for the information on the geographic areas that this is occurring. Would you consider talking to Dawn Duffy - PPG's Senior Manager of Invest...

2 replies
03:55 pm 6/28/2017

Your Organization
04:19 pm 6/16/2017

Response to Reporter - Thank you for contacting the PPG Ethics Helpline. Your ethics concern has been received and is currently under review by appropriate PPG resources. So...

1 reply
04:19 pm 6/16/2017

Reporting Party
04:05 pm 6/15/2017

Communications with reporting party - This thread was created automatically for you to communicate with the organization.

0 replies
04:05 pm 6/15/2017

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **Wallen Lawson v. PPG Arch. Finishes, Inc.**

Case Number: **TEMP-8478RWNK**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **CA09_Records@ca9.uscourts.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ISI_CASE_INIT_FORM_DT	Case Initiation Form
PETITION FOR WRIT OF MANDATE	19-55802_certification_order
ADDITIONAL DOCUMENTS	19-55802_docket_report
EXHIBITS	19-55802_opening_brief
EXHIBITS	19-55802_Appellant_EOR_Vol1
EXHIBITS	19-55802_Appellant_EOR_Vol2_part1
EXHIBITS	19-55802_Appellant_EOR_Vol2_part2
EXHIBITS	19-55802_Appellant_EOR_Vol2_part3
EXHIBITS	19-55802_Appellant_EOR_Vol3_part1
EXHIBITS	19-55802_Appellant_EOR_Vol3_part2(exhibit A_part1)
EXHIBITS	19-55802_Appellant_EOR_Vol3_part2(exhibit A_part2)
EXHIBITS	19-55802_Appellant_EOR_Vol3_part3
EXHIBITS	19-55802_Appellant_EOR_Vol3_part4
EXHIBITS	19-55802_Appellant_EOR_Vol3_part5
EXHIBITS	19-55802_Appellant_EOR_Vol4
EXHIBITS	19-55802_answering_brief
EXHIBITS	19-55802_appellee_EOR
EXHIBITS	19-55802_Appellant_reply_brief

Service Recipients:

Person Served	Email Address	Type	Date / Time
Patrick Leo McGuigan	plmcguigan@hkm.com	e-Serve	12/8/2020 3:08:54 PM
Bruce C. Fox	bruce.fox@obermayer.com	e-Serve	12/8/2020 3:08:54 PM
Andrew J. Horowitz	andrew.horowitz@obermayer.com	e-Serve	12/8/2020 3:08:54 PM
Karin Morgan Cogbill	kcogbill@hopkinscarley.com	e-Serve	12/8/2020 3:08:54 PM
Michael Manoukian	mmanoukian@hopkinscarley.com	e-Serve	12/8/2020 3:08:54 PM
Theodore A. Schroeder	tschroeder@littler.com	e-Serve	12/8/2020 3:08:54 PM

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This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

12/8/2020

Date

/s/Records Unit

Signature

Unit, Records (Pro Per)

Last Name, First Name (PNum)

United States Court of Appeals for the Ninth Circuit

Law Firm